

ANNUAL REPORT OF THE BERNALILLO COUNTY
SHERIFF'S OFFICE ADVISORY AND REVIEW BOARD
FOR CALENDAR YEAR 2022

DATED AS OF JANUARY 1, 2023



Count on us.

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FOREWORD TO ANNUAL REPORT OF THE
BERNALILLO COUNTY SHERIFF'S OFFICE ADVISORY AND REVIEW BOARD
FOR CALENDAR YEAR 2022

Chair Barboa and Commissioners:

I open our second Annual Report by thanking you for the opportunity to serve as Chair of the Sheriff's Office Advisory and Review Board ("SOARB"). As you are aware, this year will be indelibly marked by the grievous loss of three Bernalillo County Sheriff Officers and a Bernalillo County Fire Fighter who died in the midst of their service while battling the wildfires in Northern New Mexico.

Our own service allowed the opportunity to know and appreciate at a deeper level Undersheriff Larry Koren and the other stalwart officers who also served the Bernalillo County citizens. We are moved to express gratitude for the officers' work and will continue to advise the Bernalillo County Sheriff's Office in a way that befits these heroes' sacrifice.

In our second year we grew to nine members and have started to have face to face virtual/hybrid meetings. The substantive issues we considered are detailed in this report. Many thanks are in order for this report and the progress we believe we have achieved:

Vice Chair	Debbie Strongin
Board Members	Debi Dodge, Elena Giacci, Dianne Layden, Joseph A. Lopez, David Montoya, W. James Stewart, Michael Wismer
Staff	Danette Gonzales Daniel Roberson Floyd Vasquez
BCSO	Sheriff Manuel Gonzales III Undersheriff Joshua Campos Chief Deputy Lori Carrillo Sergeant James Frederickson Sergeant Peter Martinez
Media	Albuquerque Journal, Associated Press Fox New Mexico, KOAT TV, KOB TV KRQE TV, KUNM Radio News Radio KKOB, The Paper
The Citizens of Bernalillo County	Special thanks to all who participated, attended a meeting or shared their views with SOARB

Our coming together last year was a start; our getting to nine members and staying together is progress. Now we look forward to working together with a newly elected Sheriff and Commission to achieve success.

Bernalillo County Sheriff's Office Advisory
and Review Board

By its Chair:


Tommy Jewell (Dec 19, 2022 08:58 MST)

The Hon. Tommy Jewell (Ret.)

Honoring the Service and Sacrifice of
Four Fallen Heroes:
Undersheriff Larry Koren, Lieutenant Fred Beers,
Deputy Michael Levison, and Rescue Specialist Matthew King

Tommy Jewell (Dist. 3) Chair
 Dianne Layden (Dist. 5)
 W. James Stewart (Dist. 4)
 Joseph A. Lopez (Dist. 2)



Debbie Strongin (AL), Vice Chair
 Debi Dodge (AL), Member
 Elena Giacci (AL), Member
 Michael Wismer (AL), Member

Bernalillo County
 Sheriff's Office Advisory and Review Board

By Hand

The Honorable Manuel Gonzales III
 Sheriff of Bernalillo County
 400 Roma NW Albuquerque, New Mexico 87102

July 19, 2022

Dear Sheriff Gonzales,

I am writing on behalf of the Bernalillo County Sheriff's Office Advisory and Review Board to convey our condolences on the loss of four brave first responders over the weekend. This immeasurable loss has devastated the entire community.

We are grateful to have had a chance to work regularly with Undersheriff Koren, who was always gracious in answering our questions and generous with his time. We know Larry was a very skilled and dedicated helicopter pilot, with a keen wit and a commitment to help anyone in need. Some of our members who have attended Citizen's Academy have spoken enthusiastically about their helicopter and patrol car ride-alongs with Undersheriff Koren, Lieutenant Beers and Deputy Levison.

Please convey our deepest sympathies to the entire BCSO and the families and loved ones of Undersheriff Koren, Lieutenant Beers, Deputy Levison and Rescue Specialist King. We will always be grateful for the dedication and service of these heroes.

Yours sincerely,

/S/ Tommy Jewell
 Tommy Jewell
 Chair – SOARB

GLOSSARY OF ABBREVIATED TERMS

APD - Albuquerque Police Department

BCC - Bernalillo County Board of County Commissioners

BCSO – Bernalillo County Sheriff’s Office

CALEA - Commission on Accreditation for Law Enforcement Agencies

IPRA - New Mexico Inspection of Public Records Act

LAPD - Los Alamos Police Department

MATF - Multi-Agency Task Force

MCI – Metro Crime Initiative

MOA - Memorandum of Agreement among NM Department of Public Safety (a/k/a NM State Police), BCSO and APD (*See Appendix 12*)

NIBRS - National Incident-Based Reporting System

NM – New Mexico

OMA - NM Open Meetings Act

OPL – “On Patrol: Live” TV series produced by Half Moon Pictures, LLC, and aired on REELZ cable TV station

OPL Contracts – Contracts between BCSO and Half Moon Pictures, LLC, dated 7/6/2022, 11/4/2022 and 9/2/2022 concerning OPL (*See Appendix 13*)

ORDINANCE - Bernalillo County Ordinance 2020-21 (*See Appendix 1*)

PRODUCER – Half Moon Pictures, LLC (producer of “On Patrol: Live”)

SOARB – Bernalillo County Sheriff’s Office Advisory and Review Board

SOP - Standard Operating Procedures

SUMMARY OF ADVISORY RECOMMENDATIONS TO BCSO
(See Section IV-A of this Report for full discussion)

1. **Disclosure of Crime Statistics and Response to Media Requests**: BCSO should update its current quarterly posting of crime statistics on its website to a more timely and immediate reporting schedule, in line with the practices of other law enforcement agencies such as APD. In addition to posting information on social media, BCSO, on a regular and timely basis, should release information concerning crime statistics to the public and the media, and respond to media requests, without first requiring an IPRA request, subject to the need for confidentiality as discussed in ***Section I(A-4) of this Report***.

2. **Conflict of Interest in Investigation of Officer-Involved Shootings**: In investigations of officer-involved shootings, the standard practice of having the shooter's agency designated the "Lead Agency" risks being or appearing to be a conflict of interest. The designation "Lead Agency" in the agreements governing such investigations (i.e., the MATF Agreement and the MOA) should be replaced with language that more accurately describes the cooperative and joint investigative process that actually occurs according to information provided by BCSO. This issue was initially brought to SOARB's attention in 2021 by Ms. Elaine Maestas, whose sister, who suffered from mental illness, was shot and killed by BCSO deputies. It should be noted that after "extensive investigation", the Bernalillo County Attorney General decided not to prosecute the deputies involved. (***See Section III(J-i) of this Report***)

3. **Edited Video Footage**: BCSO's default policy should be that complete body-worn camera and other video records be released as long as release does not interfere with a law enforcement proceeding, constitute an unwarranted invasion of personal privacy or fall into one of the exceptions listed in ***Section IV(A-iii) of this Report***. Policies should clearly state the process for responding to public and media disclosure requests, including the review and redaction process.

4. **Standard Operating Procedures**:
 - a. **Public Input on SOP**: BCSO's website should provide a simple form to allow public comment on SOP, comparable to that on the APD website.

 - b. **Use of Force - "Duty to Intervene"**: SOP §314 provides that Deputies have a "duty to intervene" to prevent the use of excessive force by BCSO deputies. BCSO should consider whether the term "duty to intervene" could be further defined in SOP to provide a very clear understanding of the range of actions that may be required to comply with the "duty to intervene." For example, BCSO lesson plans and guides used for training purposes since at least 2016 state that "intervention may take the form of one or more of the following actions: strongly caution the other officer; physically restrain the other officer; immediately report the incident." (***See Appendix 14 and Section IV(A)(iv-2) of this Report***)

 - c. **Contract Signing Procedure**: The procedure for reviewing and entering into contracts should be specified in SOP. Such procedure should include prior-to-signing legal review for all but the most routine contracts. (***See Section III(R) of this Report***)

 - d. **Operations - Area Commands**: SOP §100-3(A) states that there are three Area Commands: North, South and East. A map delineating the boundaries of each Area Command should be added.

5. **Metropolitan Crime Initiative**: SOARB recommends that BCSO attend the entire series of MCI meetings every year, including at least some direct participation by the Sheriff, as cooperation among all law enforcements agencies – local, county, state and federal – can only enhance law enforcement efforts and public safety. (***See Section III(P) of this Report***)

6. **CALEA**. SOARB recommends that BCSO consider the advisability of once again gaining CALEA accreditation. **(See Section III(K) of this Report)**

7. **BCSO Participation in TV Program “On Patrol: Live”**: SOARB recommends that BCSO cease participation in OPL. If BCSO is not willing to cease participation, then at the very least, BCSO should discontinue participation until provision can be made: (a) to allow any member of the public to opt out of being filmed by OPL cameras, just as the OPL Contracts provide that only those BCSO Deputies that have consented will be filmed by OPL cameras; and (b) to give BCSO the right to prior review of all BCSO-related video, whether filmed by BCSO or OPL cameras, and the right to veto the airing of any video BCSO determines presents inaccurate information, or a security or safety risk to BCSO or the public. **(See Section III(R) of this Report)**

8. **Process for Legal Review of Contracts**: Although, according to the Bernalillo County Attorney’s Office, BCSO has the right to enter into contracts without legal review by the Bernalillo County Attorney’s Office or any other attorney, BCSO should exercise its discretion in favor of putting all but the most routine contracts through legal review before they become effective, to minimize the risk of entering into contracts that raise concerns such as those raised by the OPL Contracts, which were not submitted for legal review until months after they became effective. **(See Section III(R) of this Report)**

9. **Concerning Imagery on BCSO Recruitment Vehicle**: The recruitment vehicle at issue should be taken out of public view immediately until all offensive images are removed. Going forward, before using imagery on BCSO vehicles or property other than items such as the standard BCSO logo and contact information, BCSO should thoroughly vet such imagery to ensure it is not offensive, frightening or off-putting to the community, including researching the images on Google and other internet resources, consultation with authorities on hate symbols, and extensive communication with members of the community to get a sense of community sentiments about such images. **(See Section III(S) and Appendix 3 of this Report)**

SUMMARY OF ADVISORY RECOMMENDATIONS TO BCC
(See Section IV-B of this Report for full discussion)

1. **Investigation of BCSO Officer-Involved Shootings**. BCC should consider what measures, if any, may be advisable to address the possible appearance to the public of a conflict of interest in the case of a law enforcement agency such as BCSO taking the lead in investigating itself.
2. **Accessibility of Crime Statistics and Disclosure of Crimes to Public/Media in Timely Fashion**: BCC should consider what measures, such as legislation or outreach, can be taken to cause BCSO to make crime statistics readily available to the public by providing easy access to same on the BCSO website, subject to the need for confidentiality so as not to jeopardize any ongoing investigation, legal proceeding, BCSO personnel or members of the public. As a general policy, the public and the media should not have to make an IPRA request to access BCSO's crime statistics.
3. **Governor's Public Health Orders**: BCC should consider what measures, such as public outreach, education and legislation, can be taken to clarify for the public that the Governor's Public Health Orders are laws that BCSO does not have discretion to refuse to enforce or declare unconstitutional.
4. **BCSO Oversight**: BCC should consider: (a) whether the four-year election cycle and the two-consecutive-term limits provide sufficient oversight and accountability of BCSO, (b) whether it would be advisable for BCC or other governmental body (elected or appointed) to have additional oversight authority over BCSO, and (c) whether SOARB is an effective mechanism for furthering the goals of enhancing BCSO's transparency and accountability.
5. **Alvarado Square as Venue for Non-Partisan Forum re County Elections**. The new Alvarado Square facility would have been a perfect venue for a non-partisan forum of all candidates running for Bernalillo County Sheriff, but such use of County facilities is prohibited by current law. BCC should consider the possibility of revising laws that currently prohibit use of County facilities for such a forum. **(See Section IV(B-vi) of this Report)**
6. **SOARB Membership**: SOARB did not have the full complement of 9 members authorized by the Ordinance until August 2022. To provide the broadest possible representation of County residents, SOARB membership should be 9 at all times, with new members to be appointed by BCC promptly as vacancies occur.
7. **Designate BCC Liaison(s) to SOARB**: to facilitate regular communication between BCC and SOARB, BCC should consider whether to designate one or more Commissioners as liaison(s) to SOARB to facilitate communication of any questions/comments BCC may have for SOARB, and vice-versa.

I. HISTORY OF THE BERNALILLO COUNTY SHERIFF'S OFFICE ADVISORY AND REVIEW BOARD

A. Background

The Bernalillo County Sheriff's Office Advisory and Review Board (**SOARB**) was created by Bernalillo County Ordinance 2020-21 (**Ordinance**) on September 9, 2020 (**See Appendix 1**). Then-District 3 Commissioner James Collie proposed the Ordinance, and following a public comment period and some revisions, the Bernalillo County Board of County Commissioners (**BCC**) passed the Ordinance by a 4-1 vote. The Ordinance authorized a nine-member board whose task is:

to improve public transparency and accountability with respect to the Bernalillo County Sheriff's Office, by providing robust opportunities for community engagement, analysis and review of the Office's policies, practices, procedures, and provide advice to the Board of Bernalillo County Commissioners, the Sheriff's Office, and the public.

The Ordinance gives the Bernalillo County Sheriff's Office (**BCSO**), through the Sheriff or designee, the right to attend and speak at every SOARB meeting.

At the BCC's September 22, 2020 meeting, then-Commissioner Collie explained that SOARB was created to work *with not against* the BCSO to enhance the transparency and accountability of the BCSO on an ongoing basis, and was not intended simply to address issues involving any particular Sheriff:

I thought Commissioner Pyskoty said an incredibly smart thing at our last discussion of this, which she pointed out, this is not about a public issue with this sheriff. This is a way the County wants to work with its sheriffs, this one and on into the future. And the emphasis is on working with and not against. It is difficult when there are contested opinions. It's difficult when there are problems, those are part of life and we handle them and we move ahead with them. (See minutes of 9/22/2020 BCC Administrative Meeting, Comments of Commissioner Collie, p. 49)

Since its first meeting on November 13, 2020, SOARB has met at least once a month, with the exception of October 2021 and January 2022, when the regular meetings were cancelled due to events beyond SOARB's control. Due to COVID-19 precautions, all meetings through September 2022 were held virtually. SOARB held its first hybrid in-person/virtual meetings on October 14 and November 4, 2022. It is hoped that such hybrid meetings will continue to be feasible in the coming year.

Since October 2022, all meetings have provided opportunity for both members of the public and BCSO representatives to attend and comment in person, virtually, or in writing by email or letter. At least one, and sometimes two representatives of BCSO have attended most regular SOARB meetings. SOARB welcomes BCSO's participation at every meeting; BCSO's participation greatly enhances SOARB's ability to understand BCSO actions and policies, and provides for direct communication between BCSO and members of the public.

SOARB is encouraged to report that since the enactment of the Ordinance, there have been a number of positive changes with respect to the BCSO, including, for example:

1. **Body-Worn Cameras**. After passage of State legislation mandating use of body-worn cameras became effective in September 2020, the BCSO launched and implemented a body-worn camera program that has been embraced particularly by younger BCSO members.

2. Multi-Million Dollar Payouts in BCSO-Related Lawsuits. It is worth noting that as of this writing, the last large settlement in a BCSO-related lawsuit was in 2020, prior to SOARB's inception (**See Appendix 2**).

3. Media Coverage of BCSO: Negative media coverage of BCSO has decreased in 2022 as compared to that summarized in Appendix 2 of SOARB's January 2022 Annual Report, and in addition there have been a number of positive reports. (**See Appendix 2**)

4. Accessibility and Timeliness of Crime Statistics: SOARB notes that although BCSO has made some improvements in this area over the past year, much remains to be done to bring BCSO's level of disclosure on par with other law enforcement agencies such as APD:

(a) Since 2020, BCSO has been producing a considerable volume of public information which is distributed on its website and social media platforms, including Facebook, Twitter and Instagram. BCSO now posts information, photos and videos nearly every day, and the content attracts hundreds of likes, comments and shares. However, there continue to be concerns about the adequacy and timeliness of BCSO's disclosure and dissemination of crime statistics and crime reports to the public. In response to such concerns, SOARB's January 2022 Annual Report included the following advice to BCSO concerning disclosure of crime statistics and reports:

Accessibility of Crime Stats; Disclosure of Crimes to Public/Media in Timely Fashion: BCSO should make crime statistics readily available on BCSO's website; in addition to posting information on social media, BCSO, on a regular and timely basis, should release information to the media and respond to media requests, subject at all times to the need for confidentiality so as not to jeopardize any ongoing investigation, personnel or members of the public.
(See January 2022 SOARB Annual Report, Section 4(a-i))

(b) In 2022, BCSO updated its method of providing crime statistics, so that now such statistics are available on the BCSO website on a quarterly basis. In addition, since the summer of 2020, BCSO has reported crime statistics to the FBI's National Incident-Based Reporting System ("NIBRS"). We applaud these actions as moving toward more timely posting of crime statistics, but believe it is a far cry from the practice of other law enforcement agencies, including APD, which post crime statistics on a much more immediate time line, and include access to a map of crime reports.

(c) A regular, timely compilation of Bernalillo County crime statistics is not readily or consistently disseminated by BCSO or available on the BCSO website or elsewhere, and the only way the public can access such statistics is still to ask BCSO to compile them, or to make a public information records request under the provisions of the New Mexico Inspection of Public Records Act (**IPRA**).

5. "Duty to Intervene" in Use of Unreasonable Force by an Officer. BCSO has provided education and training to its deputies on the "duty to intervene" in the event of an officer's use of unreasonable force since before 2016; and since at least 2016, BCSO has used teaching materials in connection with such training that further clarify the scope of the duty to intervene (**See Appendix 14**). In 2020, BCSO revised SOP to include the duty to intervene. (**See SOP §314 discussed in Section IV(A)(iv-2) of this Report**)

B. Current SOARB Members and Year of Appointment

1. The Hon. Tommy Jewell (ret.), Chair (District 3; 2020): Judge on the Second Judicial District Court of NM 1991-2005, including service as Presiding Children's Court Judge; prior service as a Judge in the Bernalillo County Metropolitan Court for 8 years; currently in private law practice.
2. Debi Dodge (District 3, 2020): Long-time Technical Department Administrator for an engineering, architectural and planning firm; service on multiple boards including Tamarind Institute, Contemporary Art Society, NM Museum of Natural History; President of neighborhood association.
3. Elena Giacchi (At Large, 2022): Anti Sexual and Domestic violence training specialist and advocate with over 33 years' experience in the Violence Against Women field. As past Chair of the Albuquerque Mayors Anti Domestic and Sexual Violence Task Force, she and task force members created the first Albuquerque Police Department National Model for Limited English Policies. Was co-investigator in the research study by the National Institute of Child Health and Human Development entitled "Intimate Partner and Sexual Violence, Reproductive Coercion, and Reproductive Health Among American Indian and Alaska Native Women: A Narrative Interview Study", published by *Journal of Women's Health*, 2022.
4. Joseph Lopez (District 2, 2022): Retired from the Albuquerque Fire Department (2022). Fire Investigator for 10 years. As a certified Law Enforcement officer, was responsible for writing police reports and fire investigation reports, drafting and executing search warrants, evidence collection and courtroom testimony, among other things. Also reviewed and approved case files for submittal to the District Attorney. Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives to assist with large scale fire investigations. B.A. in Business, University of New Mexico in Business.
5. Dianne Layden (District 5, 2021): Ph.D. in American Studies with primary research interest in violence; over 20 years management experience in business, government and higher education; Bernalillo County Personnel Director and Assistant County Manager for Labor Relations in 1970's; served on Foothills Community Policing Council in 2014- 2017; member of Bernalillo County Community Support Subcommittee of the Behavioral Health Initiative.
6. David Montoya (District 1, 2022): Senior Government Executive and transformational leader at the US Department of Veterans Affairs. Former Chief of Staff for the Director of the Nuclear Weapons Program Los Alamos National Laboratory. Entrepreneur advocating for veteran owned small business. Veteran serving 3 tours in the Persian Gulf: Operation Desert Fox, Operation Southern Watch, and Operation Northern Watch.
7. W. James Stewart (District 4, 2022): Retired from the US Army in 2003 as a Colonel, having served for over 31 years in a variety of Intelligence roles, with a final assignment as Deputy J2 (Intelligence) at the US Central Command. Subsequently served as an Adjunct Instructor for the Texas A&M Engineering Service, conducting training exercises throughout Texas designed to assist local jurisdictions with emergency management planning and response. Completed professional career with an 8-year stint as the Chief Deputy Sheriff for the Brazos County Sheriff's Office, a mid-sized agency in central Texas.
8. Debbie Strongin, Vice Chair (At Large, 2020): Attorney with background in criminal and civil practice, including criminal investigations and prosecutions as Special Assistant Attorney General - NY State Office of Special Prosecutor Investigating Corruption in the NYC Criminal Justice System, criminal defense, copyright, real estate, immigration and voting rights.
9. Michael Wismer (At Large, 2020): Retired Security Division Leader at Los Alamos National Laboratory and former County Commissioner in Los Alamos with over 40 years' experience in security, law enforcement, background investigations, public policy, community engagement and volunteer activities.

C. Subcommittees

1. Code of Conduct for Political Action by SOARB Members: Wismer
2. Annual Update to SOARB Rules of Procedures to Reflect Current Process: Wismer
3. CALEA (Commission on Accreditation for Law Enforcement Agencies): Wismer
4. Review of BCSO Standard Operating Procedures (**SOP**): Lopez, Stewart, Strongin
5. Public Outreach: Dodge, Montoya, Stewart, Strongin
6. Annual Report: Strongin coordinator
7. BCSO and Reporting Crimes/Crime Statistics to Media and Public: Jewell, Layden
8. Commendation of Undersheriff Koren and team for heroic helicopter rescue of 21 individuals stranded on the Albuquerque Tram during a serious snow and windstorm: Layden, Jewell
9. Mentorship Program to Provide Orientation for New SOARB Members: Dodge, Lopez, Montoya Stewart
10. BCSO Sheriff Candidate Debate Forum: Giacci, Layden, Montoya
11. BCSO Orientation for SOARB Members: Dodge, Lopez, Stewart
12. Regular Attendance at BCC Meetings on Behalf of SOARB: Giacci, Stewart
13. BCSO and SOARB Attendance at Metro Crime Initiative Meetings: Jewell, Layden
14. SOARB Recommendations re BCSO Release of Edited Videos: Giacci, Layden
15. BCSO School Safety Policies: Jewell, Montoya
16. BCSO Appearance on cable television series "On Patrol: Live": Jewell, Strongin
17. Public Concern about Imagery on BCSO Recruitment Vehicle: Jewell, Strongin

D. Procedural Matters

1. All SOARB meetings are subject to the provisions of New Mexico's Open Meetings Act, including providing prior notice of meetings, and allowing public comment at all meetings.
2. All SOARB meetings are held in accordance with rules of procedure adopted by SOARB, including provisions for virtual meetings due to COVID-19 precautions, and procedures for SOARB to follow for giving advice to BCC and BCSO in fulfillment of its advisory function under the Ordinance.
3. At its first meeting of 2022, SOARB unanimously appointed Tommy Jewell for a second term as Chair, and Debbie Strongin as Vice Chair.
4. SOARB has recognized the need to give new members an orientation promptly after appointment so that they may gain an understanding of SOARB's history, rules and procedures. An orientation program, such as a mentor system, will be established to facilitate orientation on matters such as SOARB's guiding documents (e.g., Annual Reports, Code of Conduct, Rules of Procedure) and SOARB's mission, with specifics to be developed by SOARB members Dodge, Lopez, Montoya and Stewart.

II. SOARB's MISSION

- A. **Transparency and Accountability**: Improve public transparency and accountability of BCSO.
- B. **Forum for Public Comment**: Establish rules and procedures to ensure that SOARB'S meetings provide opportunity for public comment concerning BCSO, and when necessary, include meetings focused solely on public comment.
- C. **Public Outreach and Comment**: Provide robust opportunities for community engagement, including holding meetings to solicit public input regarding the BCSO's policies, procedures, services and programs.
- D. **Review BCSO Policies**: Analyze and review the BCSO's policies, practices and procedures as mandated by the Ordinance. We anticipate that this process will go smoothly going forward because Chief Deputy Carrillo has initiated a procedure to give the SOP Subcommittee timely notice of updates and revisions to SOP.
- E. **Foster Community Ties**: Create stronger community ties between the residents of Bernalillo County and BCSO by performing all of the above.
- F. **Advisory Role**: Provide advice to the BCC, the BCSO, and the public concerning the foregoing, as provided in the Ordinance.
- G. **Annual Report**: Prepare and distribute an Annual Report to the BCC and the BCSO in January of each year, summing up its activities during the prior year and its plans for the coming year.

III. ACTIONS IN FURTHERANCE OF SOARB'S MISSION AND MEETING HIGHLIGHTS

A. Public Outreach.

i. As a newly created Board meeting in the midst of a pandemic at a time when public health regulations did not allow for in-person meetings, SOARB has worked hard to make the public aware of its existence as a forum for public comment, and to ensure that the public is able to observe and comment at every meeting. Due to COVID-19 precautions, from its first meeting in November 2020 through September 2022, SOARB did not meet in person, but only virtually via Google Meets or Zoom. Every meeting has allowed for the public to comment and observe via email, letter, video and/or phone connection, and starting in October 2022, by in-person attendance at meetings as well. To encourage the widest possible public participation, SOARB has also instituted procedures to accommodate those members of the public who wish to comment anonymously. Thanks to County Communications Specialist Floyd Vasquez, SOARB's efforts to maximize public outreach have included the following during calendar year 2022:

1. SOARB's homepage is available to all on the Bernalillo County website at:
<https://www.bernco.gov/boards-commissions/sheriffs-office-advisory-andreview-board>
2. SOARB meeting videos are available for on-demand viewing on SOARB's homepage as well as on YouTube at:
<https://youtube.com/playlist?list=PLmASwHEEDkUNRANAjXsQLPt6qr-S0xhq>
3. SOARB's broad public outreach seeking comment at its October 14, 2022 meeting on two issues brought to SOARB's attention by members of the public - BCSO's participation in "On Patrol: Live" and concerning imagery on a BCSO recruitment vehicle – included interviews of Chair Jewell on local TV and radio stations, and a detailed background information page with instructions on how to participate in the meeting at:
<https://www.bernco.gov/boards-commissions/sheriffs-officeadvisory-and-review-board/background-information-for-public-comment/>

ii. SOARB's First Hybrid In-Person/Virtual Meeting: Was held on 10/14/2022 at the Alvarado Square County Headquarters, with virtual participation via Microsoft Teams. This meeting had the highest public attendance of any SOARB meeting to date, including in-person comments from five members of the public, one in-person attendee who did not comment, written comments from 45 members of the public, virtual attendance by 12 members of the public, two of whom made comments, as well as coverage by local television, radio and press. The meeting was also attended by three members of BCSO: Chief Deputy Lori Carrillo, Captain Ryan Schmidt, and Public Information Officer Jayme Fuller.

iii. Meeting Focusing on School Safety: SOARB's second hybrid in-person/virtual meeting was held at Alvarado Square on 11/18/2022. BCSO Sgt. Peter Martinez gave a comprehensive presentation on BCSO's efforts to promote school safety and fielded multiple questions after his talk. **(See discussion at Section III(Q) of this Report)**

iv. Meeting at BCSO: Undersheriff Campos has invited SOARB to hold a meeting at BCSO Headquarters or a Field Office. The decision on whether to meet at such a venue is reserved pending receipt of community input.

B. Outreach to and from BCSO

i. **BCSO's Consistent Participation in SOARB Meetings:** The late Undersheriff Larry Koren represented BCSO at most SOARB meetings except when his presence was required elsewhere for law enforcement matters. Following Undersheriff Koren's tragic death, BCSO designated Undersheriff Joshua Campos and Chief Deputy Lori Carrillo as representatives to SOARB, and we have welcomed their participation. We look forward to continuing a cooperative and productive relationship with BCSO under the administration of newly-elected Sheriff John Allen. Shortly after the election, SOARB Chair Jewell reached out to Sheriff Allen to extend SOARB's express invitation to attend SOARB meetings, which Sheriff Allen indicated he intended to do.

ii. **Understanding BCSO Operations and Viewpoint:** As stated above, Undersheriff Campos has invited SOARB to hold a public meeting at BCSO: to facilitate direct interaction between and among BCSO and SOARB and members of the community; to permit BCSO to make such presentations as BCSO deems helpful to SOARB and the public; and to answer questions. SOARB appreciates this invitation and has reserved decision on scheduling such a meeting pending receipt of community input on the feasibility of meeting at such a venue.

C. Media Plan and Vision Statement: The Public Outreach Subcommittee, under the guidance of Bernalillo County Communications Services Specialist Floyd Vasquez, Jr., developed a Media Plan and Vision Statement and Communications Strategy to encourage public involvement in SOARB meetings, both of which were unanimously approved by SOARB at its April 9, 2021 meeting: "The Sheriff's Office Advisory and Review Board seeks to create stronger community ties between the residents of Bernalillo County and BCSO." (***See Appendix 4 for Vision Statement and press release issued by Mr. Vasquez on behalf of SOARB on 5/11/2021***) In furtherance of SOARB's goal of increasing its visibility and accessibility to the public, throughout 2022, Chair Jewell and Mr. Vasquez appeared regularly on local radio and television news programs to inform the community of the availability of SOARB as a forum for public comment and participation. In addition, Chair Jewell and Vice Chair Debbie Strongin co-authored an Op-Ed that was published in the April 19, 2022 edition of the Albuquerque *Journal* describing SOARB's mission and inviting public attendance at SOARB meetings. (***See Op-Ed at Appendix 5***)

D. Media Spokesperson: At its April 9, 2021 meeting, SOARB unanimously appointed SOARB Chair The Hon. Tommy Jewell (ret.) as the media spokesperson for SOARB. SOARB's public communications effort has been given invaluable assistance and guidance by Bernalillo County Communications Specialist Floyd Vasquez.

E. Adoption of Code of Conduct: SOARB member Michael Wismer drafted a Code of Conduct that codifies the intent of SOARB and its members to conduct proceedings with dignity and respect, only engage in political activities as private citizens and not as representatives of SOARB, and affirms SOARB's commitment to adhere to the New Mexico Government Conduct Act. The Code of Conduct was adopted by unanimous vote at the 7/8/2022 SOARB meeting. (***See Code of Conduct at Appendix 6***)

F. Revision to Rules of Procedure: At SOARB's 7/8/2022 meeting, those present voted unanimously to update the Rules of Procedure adopted in 2021 to: clarify the process for creating the Board agenda; add the option for the Chair to ask a Board member to lead a discussion on a specific agenda topic; enhance the courtesy and decorum section by ensuring all comments, questions and general discussion be directed to the Chair; and set the time limit for public comment to two minutes unless extended by the Chair. The Rules and revisions thereto were drafted by Mr. Wismer, with input from SOARB members. (***See Rules of Procedure at Appendix 7***)

G. Certain Authorities of the Chair Confirmed: At its April 2022 meeting, SOARB unanimously agreed that subject to the Free Speech requirements of the First Amendment to the US Constitution, the Chair has the right, in the Chair's reasonable discretion, to enforce reasonable rules of conduct and propriety at meetings, including requiring that comments be directed to the Chair rather than to individual SOARB members, and that appropriate, respectful language be used by all participants at all times.

H. Public Comments:

i. SOARB received over 55 comments from members of the public during calendar year 2022. The bulk of such comments were received in connection with the 10/14/2022 SOARB meeting focused on two issues of concern to the community: BCSO's participation in "On Patrol: Live", and imagery appearing on a BCSO recruitment vehicle that a number of community members deemed offensive. **(See discussion at Sections III (R-S) of this Report)**

ii. Other public comments included:

1. a citizen's complaint about a February 2022 traffic stop of complainant and her husband by BCSO. Complainant advised that her husband intended to speak about this incident at SOARB's March 2022 meeting, however, neither complainant nor her husband has spoken to SOARB as of this writing, although they are welcome to do so at any time. SOARB passed along complainant's written complaint directly to BCSO, and Undersheriff Koren advised that the procedure would be for the letter to be submitted to a BCSO Supervisor who would communicate with the complainant, and if not resolved at this stage, the complaint could be passed on to BCSO Internal Affairs for further investigation.

2. A citizen's comment expressing interest in arranging a ride-along with BCSO. Undersheriff Campos provided the citizen with a direct number for BCSO Field Services to schedule a ride-along and explained that BCSO is flexible in scheduling ride-alongs at citizens' convenience.

3. A citizen's comment expressing an interest in the status of collaboration and cooperation between BCSO and APD.

I. SOARB Interaction with Bernalillo County Commission:

i. In a letter dated 3/11/22, then-District 5 County Commissioner Charlene Pyskoty commended SOARB for having:

done the hard work to come together as a working group and figure out the Board's mission, within the constraints of advising an agency under an elected official....As always, you have my respect and admiration. **(See Commissioner Pyskoty's Letter at Appendix 8)**

ii. At its 7/8/2022 meeting, SOARB members decided that SOARB's operations and efforts to attain the goals outlined in the Ordinance would benefit from regular interaction with BCC, in addition to the Annual Report, so that any concerns or questions of SOARB or BCC could be addressed on an ongoing basis. At its November 4, 2022 Special Work Session, SOARB agreed to encourage all SOARB members who so choose to attend BCC meetings, with the understanding that representation of substantive SOARB policies and decisions can only be presented to BCC after approval by a majority of SOARB members. To facilitate communication between BCC and SOARB, SOARB has also recommended that BCC consider appointing one or more Commissioners as direct liaisons with SOARB.

J. BCSO Transparency and Accountability:

i. Officer-Involved Shootings:

1. Background: It is routine procedure in Bernalillo County, and standard law enforcement practice throughout the United States, that every officer-involved shooting is investigated. In 2021, Ms. Elaine Maestas, a Police Accountability Strategist for the New Mexico ACLU whose sister who suffered from mental illness was shot and killed by BCSO deputies not wearing body-worn cameras, brought to SOARB's attention the fact that under current BCSO practice, although BCSO officer-involved shootings are investigated by a MATF, BCSO is the lead investigative agency in such investigations. The MATF is formed pursuant to the April 8, 2020 MOA, the terms of which designate as "Lead Agency" the agency whose employee is involved in the incident to be investigated, with review of final results by the Bernalillo County District Attorney. (***See MOA at Appendix 10***). This multi-agency investigative process is consistent with law enforcement practices in other jurisdictions both within and outside of New Mexico. It should be noted that the MOA allows any party thereto to withdraw from the agreement at will.

2. Appearance of Conflict of Interest:

a. Both members of the public and some members of SOARB expressed the concern that the practice of having an agency take the lead in investigating itself risks being or appearing to be a conflict of interest that may diminish public confidence in the results of any such investigation. BCSO and some SOARB members (including one with extensive law enforcement experience at APD) expressed the view that the on-the-ground practicalities of running an investigation required continuing the practice that the shooter's agency take the lead in the investigation. In an effort to fully appreciate the realities of the situation, and at the suggestion of former SOARB and retired APD member Diane Dosal, SOARB asked BCSO to provide us with more information about the operations of the MATF. In response, Undersheriff Koren arranged for BCSO Sergeant James Frederickson to attend SOARB's 3/25/2022 meeting. Sergeant Frederickson provided extensive and useful details on the practicalities of how such investigations are run and why, in BCSO's view, the shooter's agency should be deemed the lead. Of particular note was Sergeant Frederickson's explanation that the investigating agencies in fact work jointly as a team with oversight of the results by the Bernalillo County District Attorney's Office. SOARB members suggested that the term "Lead Agency" used in the MOA may be misleading, and could be revised by using a term or description that more accurately describes the cooperative and interactive joint investigative process that actually occurs. SOARB continues to be concerned about seeking a solution to the appearance of a conflict of interest in such situations. Based upon our meeting with Sergeant Frederickson, we are optimistic that the issue may be resolved by a change in the language of the MOA, as well as by increased sensitivity by BCSO to the conflict-of-interest issue when explaining the investigative process to members of the public, especially those whose family member or loved one has died in connection with an officer-involved shooting.

b. In an article about the NM Attorney General's decision not to prosecute the deputies involved in the shooting of Ms. Maestas, the Albuquerque *Journal* referenced SOARB's January 2022 Annual Report concerning the conflict-of-interest issue as follows:

The 2021 [sic.] Annual Report from the Bernalillo County Sheriff's Office Advisory and Review Board also raised a concern about the [MATF] agreement, saying that the county commission "should consider what measures, if any, may be advisable to address the possible appearance to the public of a conflict of interest in the case of a law enforcement agency such as BCSO taking the lead

in investigating itself in the case of officer-involved shootings.” (See <https://www.abqjournal.com/2530848/ag-wont-prosecute-deputies-in-2019-shooting-of-woman-in-mental-crisis.html> , and Appendix 2)

ii. Duty to Report Homicides and Other Crimes to Public/Media in Timely Fashion:

1. Background: In 2021, SOARB communicated to BCSO the concern expressed by both members of the public and local media that BCSO did not release crime statistics in a readily-available and timely manner. In response, BCSO representatives advised SOARB that BCSO maintains it has no obligation to inform the media (print/radio), and has expressed its view that media coverage of BCSO is frequently biased and inaccurate. BCSO further pointed to its regular postings on social media such as Facebook and Twitter, including body-worn camera audio/video, as its way of informing the public. In addition to the fact that this policy leaves out the many members of the public who do not follow social media, SOARB recognizes that there is a difference between that which BCSO chooses to report in its social media and website postings, and that which a journalist with investigative resources and training may report. Given the historic importance of the media in the United States as the public’s proxy for investigating and gathering information about government agencies and officials, BCSO’s reluctance to deal with the press has a very real potential to diminish public confidence in BCSO both because it may create, at minimum, the appearance that (a) the full picture is not being disclosed, and (b) the Sheriff, as an elected official, is seeking to enhance the chance of re-election (or election to another office) by withholding negative information. That said, SOARB recognizes that BCSO’s complaint about inaccurate and biased media coverage may have merit in some cases. However, as a powerful law enforcement agency, BCSO should not be intimidated by potential media inaccuracies.

2. Improvement in Availability of Crime Statistics: In 2022, BCSO updated its method of providing crime statistics, so that now such statistics are available on the BCSO website on a quarterly basis. We applaud this as a move toward more timely posting of crime statistics. However, BCSO’s practice is still a far cry from the practice of other law enforcement agencies, including APD, which post crime statistics on a much more immediate time line, including access to a map of incident reports. A regular, timely compilation of Bernalillo County crime statistics is still not readily or consistently available on the BCSO website or elsewhere, and the only way the public can access such statistics is still to ask BCSO to compile them, or to make a public information records request under IPRA.

3. Edited Video Footage: Dianne Layden brought to SOARB’s attention a 4/19/22 Albuquerque Journal article by Matthew Reisen entitled “BCSO details fatal shooting in South Valley.” The article pointed out that BCSO had not released full video of the incident, as is customary for other agencies, which BCSO Captain Huffmyer said was done so as not to reveal “tactics used to immobilize’ Crabb’s [the suspect’s] car.” (See **M. Reisen article at Appendix 11**). SOARB recognizes that there are cases where it is not appropriate for a law enforcement agency to release unedited video, and members agreed it would be useful for Dr. Layden to pursue this matter with Mr. Reisen. Dr. Layden’s report of her interview of Mr. Reisen follows:

Telephone Interview with Matthew Reisen, Crime Reporter, Albuquerque Journal
June 14, 2022, 11:30 AM by Dianne R. Layden, Ph.D.

1. **Q:** In the section below from your article, you write the agency did not release full video of the incident, as is the custom for other agencies. Which other agencies are you referring to, e.g., APD, NMDPS, U.S. Marshals, Rio Rancho PD, FBI?

"A deputy pulled out a gun and Crabb rammed the other deputy's vehicle before driving away. The agency did not release full video of the incident, as is custom for other agencies, but edited segments showing various interactions with Crabb. [Captain] Huffmyer said this was done so as to not reveal 'tactics used to immobilize' Crabb's car."

MR: The comment about other agencies refers to APD and the state police. At APD briefings for the news media on police shootings, APD may edit a video in some ways for a Power Point presentation, e.g., play it faster, but will send the unedited video to the Journal without requiring an IPRA request. The state police do not hold briefings, and the Journal generally must file IPRA requests to obtain videos, which are willingly provided. Faces or other identifiers might be blurred for privacy, but the video is not "chopped up" or sped up.

2. Q: How did you learn the video was edited, i.e., did you ask that question of BCSO deputies or did Captain Huffmyer, or other deputy, volunteer that information?

MR: The BCSO briefing on the Crabb shooting was held the day of the shooting. Captain Huffmyer said the video was edited so as not to show BCSO tactics to immobilize Crabb's car. MR doesn't remember if the captain was asked if the video was edited or if the captain volunteered the information. To MR, the video appeared to show Crabb stopped the car himself without use of BCSO tactics.

3. Q: When reporting on crime, do you typically ask the law enforcement agency involved whether a video was edited?

MR: The Journal must ask BCSO for videos, but IPRA requests are not required. In the Crabb case, BCSO willingly provided 8 separate videos, each 1.5 hours long, which MR had to view in their entirety to report on the shooting.

* * * * *

4. **SOARB Concerns:** Given that release of edited videos is not standard practice among other New Mexico law enforcement agencies, SOARB members expressed concern that when edited video is released, the public may lack confidence in the accuracy of such videos. In response to this concern, SOARB members Giacci, Montoya and Stewart developed recommendations to BCSO as to comprehensive explanatory information that should be released to the public and press each time an edited video is released, including: the fact that the video has been edited, the specific reason(s) for such editing, and the length of time of any redacted video. **(See Discussion at Section IV(A) of this Report)**

K. CALEA (Commission on Accreditation for Law Enforcement Agencies): CALEA's goal is to "improve the delivery of public safety services by maintaining a comprehensive body of law enforcement standards, establishing and administering an accreditation process, and recognizing professional excellence." (See CALEA website: www.calea.org) Membership and participation in CALEA is voluntary. Chief Deputy Carrillo advised SOARB that BCSO was accredited by CALEA at one time, but after having learned from the CALEA accreditation process in the past, BCSO has determined that it can adopt its own standards without incurring CALEA's annual fees, or assigning up to three deputies to monitor CALEA compliance. SOARB member Michael Wismer brought Los Alamos Police Chief Dino Sgambellone to SOARB's 2/11/2022 meeting to address the Board on his experience with CALEA accreditation of the Los Alamos Police Department (**LAPD**). The policies of each accredited agency are reviewed by a CALEA panel comprised of current and/or retired law enforcement officers in person every 4 years and virtually every year, and then given a pass or fail grade. The cost of CALEA membership varies based on number of personnel in the agency and other factors. For the LAPD, the initial cost was about \$10,000, with an annual fee of about \$5,000. Chief Sgambellone believes that the positive effects of CALEA membership far outweigh any possible negatives:

i. **Positives:** Compliance with CALEA standards encourages a level of competence and excellence in law enforcement, can enhance public confidence in a law enforcement agency, reduces risk and liability exposure and promotes greater transparency within an agency.

ii. **Negatives:** (1) An agency that has voluntarily submitted to CALEA accreditation has committed itself to compliance with a set of standards that may exceed any mandatory local, state and federal standards with which it must comply, potentially creating a situation where failure to comply with CALEA standards could result in liability/culpability that might not otherwise exist; and (2) financial and manpower costs: CALEA certification may cost about \$10,000 per year and requires dedicating one to three deputies to monitor CALEA compliance.

L. Review of SOP: In the summer of 2022, Chief Deputy Carrillo began giving SOARB's SOP Subcommittee regular notice of updates to SOP Sections, which has significantly assisted in SOARB's duty under the Ordinance to review SOP. SOARB's review to date shows that BCSO's reviewed/revised well over half of SOP since the summer of 2022, including provisions covering: use of force, body worn cameras, internal affairs, use of internet and social media, and use of dash camera in vehicles. It is worth noting that a number of the revisions are consistent with suggestions proposed to Captain Nicholas Huffmyer during discussions with Vice Chair Strongin and then-SOARB member Dosal in 2021.

M. Public Posting of BCSO Citizens' Academy Classes: BCSO offers a 16-week-long Citizen Academy to give the community a feel for the work BCSO does. SOARB member Debi Dodge attended the Academy in 2021 and found it a valuable education about BCSO practices, organization and day-to-day operations. In 2022, SOARB raised with Undersheriff Koren the possibility of making at least some portions of the Citizen's Academy training available on-line. Undersheriff Koren explained that while it might be feasible to make some portions of the lectures available on-line, much of the training, such as ride-alongs and site visits, would not lend itself to doing so. In addition, Undersheriff Kore expressed the concern that the presence of a video camera could make some Citizen's Academy participants reluctant to engage freely in conversation.

N. Invitation to all 2022 BCSO Sheriff Primary Candidates to Speak at SOARB Meeting:

i. At the suggestion of Media Specialist Floyd Vasquez, SOARB issued invitations to all primary candidates to speak at SOARB's May 2022 meeting. The following candidates opted to speak at the meeting: John Allen (D), Joshua James Ryan Lawrence (R), Rudy Mora (D), Pat Ruiloba (D), Philip A. Snedeker (D). Because Undersheriff Larry Koren was present at the meeting in his capacity as a representative of BCSO, he opted to recuse himself from speaking as a candidate.

ii. In initiating this forum, SOARB unintentionally put BCSO Undersheriff Larry Koren, who was also a primary candidate for Sheriff, in a difficult position, where he had to choose between taking personal time to attend the meeting as a candidate and attending the meeting as an official representative of BCSO, as he was not permitted by law to do both. We regret putting Undersheriff Koren in this position, which he handled graciously and professionally.

iii. Should such a situation arise in the future, SOARB will endeavor to avoid putting any candidate in such a position by such means as giving candidates the option to submit a video statement. In addition, SOARB members realize that two minutes is not sufficient time for a candidate to make a statement, and in future, will consider amending the rules for public comment to allow all members of the public (including candidates) more time to make statements.

O. 2022 BCSO Sheriff Candidates' Debate Forum: SOARB members agreed that it would be to the benefit of the community for there to be a non-partisan debate forum open to all BCSO Sheriff candidates prior to the November 2022 election. Keeping in mind that County facilities and resources are not available for such a forum due to laws restricting the use of County funds for political purposes, Dr. Layden, with input from Ms. Giacci and Mr. Montoya, and without use of County facilities or resources, facilitated arrangements by the League of Women Voters of Central New

Mexico (LWV) to hold such a forum. The forum was held via Zoom on October 27, 2022, with a moderator supplied by LWV asking the candidates questions chosen from those submitted by the general public, including several SOARB members. LWV invited all three BCSO Sheriff candidates to participate, and all three elected to do so: John Allen (Democrat), Paul Pacheco (Republican), and Kaelen Dryer (Libertarian). LWV subsequently advised Dr. Layden that a total of 96 people attended the forum via Zoom. SOARB voted to send a letter of thanks to LWV for presenting this forum. (**See Letter at Appendix 12**) Coincidentally, local radio station KKOB broadcast a forum attended by the same three candidates on October 26, 2022.

P. SOARB and BCSO Attendance at Metro Crime Initiative: Albuquerque Mayor Keller convened a series of five Metro Crime Initiative (MCI) meetings in July through September, 2021, which meetings were widely attended by local and state law enforcement agencies. Although MCI liaison Damon Martinez advised Dr. Layden that BCSO did not participate in any 2021 MCI meetings, there was an apparent miscommunication, because in July 2022, Undersheriff Koren advised Chair Jewell that he had in fact attended MCI meetings on behalf of BCSO. As MCI was convened by Mayor Keller in the context of an election year in which Mayor Keller and Sheriff Gonzales were rival candidates, SOARB took no position on this matter in 2021 other than to observe that interagency cooperation among BCSO, APD, the City of Albuquerque and other law enforcement agencies is to be encouraged.

i. Because the political landscape has changed in that the Mayor and Sheriff are no longer political rivals for the same office, SOARB wrote to BCSO recommending that BCSO attend the 2022 series of MCI meetings, as discussed elsewhere in this Report, and Undersheriff Campos has advised that BCSO in fact intends to attend such meetings. (**See Appendix 9**)

ii. After SOARB members agreed that it would be appropriate to look into whether SOARB should also have some level of participation in MCI meetings, Dr. Layden pursued this matter with MCI liaison Martinez, resulting in an invitation for SOARB to send a representative to the next series of MCI meetings. SOARB members Layden and Giacci expressed their intent to attend MCI meetings, which were originally scheduled to commence during the summer of 2022, but have been postponed until a date not yet announced as of this writing.

Q. BCSO School Safety Policies and Practices: on 11/18/2022 BCSO Sgt. Peter Martinez gave a comprehensive presentation on BCSO's efforts to promote school safety, including: active shooter drills, response to school shooter incidents, and regular interaction and communication with students, faculty and community members. Sgt. Martinez also advised that there is a Crime Stoppers Anonymous Tip Line at:

<http://www.crimestoppersnm.com/sitemenu.aspx?P=school&ID=531>

which can be used by Bernalillo County students and other members of the public to text any issue of concern directly to a law enforcement agency. After his talk, Sgt. Martinez fielded multiple questions on this a topic, which is of great concern to the community and the public-at-large, particularly in the wake of the multiple school shootings that have occurred throughout the United States in the last 20-plus years, with the recent tragedy at Robb Elementary School in Uvalde, Texas uppermost in mind. SOARB is grateful to BCSO and Sgt. Martinez for this very instructive presentation, and is eager to continue to work with BCSO to provide a forum for future presentations of general interest to the community.

R. BCSO Participation in Cable TV Series “On Patrol: Live”:

i. “On Patrol: Live” (“OPL”) is an American reality television and docuseries that airs on the cable and satellite television network REELZ. The genre was popularized by the long-running “Cops” program, and is a revival of the “Live PD” program that aired on A&E network from 2016 to 2020. Videographers ride along with deputies on patrol showing live and prerecorded interactions with the public. SOARB has considered BCSO’s involvement with OPL, including extensive outreach seeking public comment, supplemented by review of videos, social media and media comment, including the responses to the Albuquerque *Journal’s* survey of reader opinions (See “*Top of Mind,*” *Albuquerque Journal*, pg. C-1, 10/30/2022). It is noteworthy that SOARB received over 40 comments from the public about this issue, far more than about any other issue since SOARB’s inception. Based upon SOARB’s review, public opinion seems about evenly divided between those in favor and those opposed. Nonetheless, the comments of two community members whose interaction with BCSO in connection with a car accident was filmed by OPL’s camera crew and aired on national television, despite the couple’s repeated requests that they not be filmed, presents a compelling case for allowing members of the public to opt out of being filmed by OPL cameras, just as the OPL Contracts require BCSO and Producer to work together to identify which BCSO personnel have consented to be filmed for OPL.

ii. OPL Contract Issues:

1. The Bernalillo County Attorney’s Office has advised SOARB that BCSO has the right to enter into contracts without legal review by the County Attorney’s Office or any other attorney. Although BCSO’s process for entering contracts is unclear, it appears that without legal review by the Bernalillo County Attorney’s Office or any other attorney, BCSO entered into the July and September OPL Contracts with Half Moon Pictures, LLC (“**Producer**”), which contracts took effect immediately upon signing in July and September, 2022 (**See OPL Contracts at Appendix 13**). According to BCSO, the OPL Contracts were not submitted for legal review until November 2022 – months after the Contracts took effect and became binding in July and September 2022. The November legal review resulted in a few salutary revisions of the July OPL Contract, including moving up the expiration date from 7/5/23 to 12/31/22, and adding specific requirements as to the insurance coverage the Producer was required to carry to protect BCSO.

2. BCSO’s participation in OPL may be a moot point going forward since the revised OPL Contracts have a 12/31/22 expiration date. However, SOARB believes it is instructive to review some of the concerns raised by the OPL Contracts.

3. Given that the legal review did not occur until months after the OPL Contracts took effect, it is not surprising that significant issues remained unchanged in the November OPL Contract, perhaps the most serious of which was that the OPL Contracts did not give BCSO the right to prevent the airing of video, even if it determined that such video presented safety or security risks. Rather, BCSO merely had the right to “review and comment” as to factual accuracy, safety and security, but the Producer and network had the “sole discretion” to “make the final decision” as to what would be aired. The relevant provision is set forth in full below:

Paragraph 6. Safety/Security Review. Producer will provide BCSO with twenty-four (24) hours to review and comment on any pre-recorded segments of the Series featuring BCSO Property or BCSO Personnel for the sole purpose of identifying any safety or security risks to BCSO (e.g., recognition of a confidential informant, undercover officer, how specific tactics are deployed). If no comments are received by Producer following such twenty-four (24) hour period, the segments will be deemed reviewed by BCSO. For live segments, Producer shall

provide a CSO representative digital access to a live feed from the BCSO cameras in the field solely for the purpose of identifying such safety or security risks to BCSO. In both instances, BCSO shall have the limited and specific right to review the content solely for factual accuracy and security and/or safety risks to BCSO and BCSO Personnel, provided that it is understood that Producer and any television network for which Producer is producing the Series (the "Network") shall, in their sole discretion, make the final decision regarding the content and editorial decisions for the Series and each episode thereof. [emphasis added] (See Paragraph 6 of the 7/6/2022 and 11/4/2022 OPL Contracts at Appendix 13)

4. Another issue of concern is that although the OPL Contracts protected BCSO personnel from unwanted exposure by providing that "Producer and BCSO will work together in good faith to determine which BCSO Personnel have consented to be filmed in connection with the Series" (**See Section 2 of both the 7/6/2022 and 11/4/2022 of the OPL Contracts at Appendix 13**), such protection did not extend to members of the public, who were not given the right to opt out of appearing on national television. In fact, the accident victim who spoke at SOARB's 10/14/2022 meeting stated that when she told the BCSO Deputies that she did not want to be filmed by OPL, one Deputy replied: "then turn you back."

S. Questionable Imagery on BCSO Recruitment Vehicles: A Twitter post by a community member alerted SOARB to the existence of a BCSO recruitment vehicle decorated with images including: a horned Viking Helmet, a Warrior Helmet/Skull image with a Zia symbol and thin blue line superimposed on it, a sideways black and white American flag with the words "choose the hard right" written to appear as a thin blue line, and a Lobo image. (**See imagery depicted in Appendix 3, and 6/2/2022 Tweet of @LucasHerndon at <https://twitter.com/LucasHerndon/status/1550496620143206401>**) SOARB took action as follows:

i. SOARB members immediately recognized: that these symbols, particularly in combination, are symbols often associated with groups such as far right militias, neo-nazis, fascist and other radical right wing/terrorist groups; that the phrase "choose the hard right" seemed to be far right political advocacy – all of which images appeared particularly inappropriate on a law enforcement vehicle; and that use of the Zia symbol in this context would be deemed disrespectful and even sacrilegious by some community members.

ii. SOARB sought comment on this issue at its 10/14/2022 meeting from both the public and BCSO.

iii. All public comments on the issue were negative.

iv. Chief Deputy Lori Carrillo explained that graduating BCSO cadet classes chose the images as part of an exercise to build esprit de corps, and the images were subsequently approved by senior BCSO personnel "all the way to the top." Chief Deputy Carrillo also explained that the phrase "choose the hard right" is the first part of a saying that is well-known in military and law enforcement circles, the second part being "over the easy wrong." It should be noted that the images were put on the vehicle well before the events of January 6, 2021, in which an insurrectionist with a Viking Helmet played a prominent part. Based upon the representations of BCSO, SOARB concluded that BCSO was unaware of the negative connotations and impact such images would have, and was not seeking to recruit neo-nazis, far right militias, and members of other such groups. In fact, Chief Deputy Carrillo stated, BCSO candidates are carefully screened to exclude members of such groups. Chief Deputy Carrillo further stated that in future, any imagery to be placed on BCSO vehicles would be much more thoroughly vetted.

IV. ADVICE AND RECOMMENDATIONS

The members of SOARB want to stress their intent that the following advice and recommendations to BCC and BCSO be received in the respectful and constructive spirit in which they are offered, in furtherance of SOARB's mission to enhance transparency and accountability, and not as criticism of any individual, agency or governing body.

In considering the form and substance of the advice and recommendations SOARB is authorized to give to BCSO and BCC pursuant to the Ordinance, SOARB members approved a process developed by SOARB member Michael Wismer mandating that no recommendation or advice be given without researching the issue and obtaining the approval of a majority of SOARB members, with any dissenting members having the right to record their dissent. Based upon this procedure, SOARB is issuing the following advice and recommendations unanimously:

A. Advice and Recommendations to BCSO

i. Accessibility of Crime Stats; Disclosure of Crimes to Public/Media in Timely Fashion:

While recognizing that BCSO has improved its reporting of crime statistics in 2022, a regular, timely compilation of Bernalillo County crime statistics is still not readily or consistently available on the BCSO website or elsewhere, and the only way the public can access such statistics is still to ask BCSO to compile them, or to make a public information records request under IPRA.

1. Rather than the current practice of quarterly posting on its website, BCSO should update its crime statistic reporting so that it is both timely and immediate, in line with the practices of other law enforcement agencies such as APD.

2. In addition to posting information on social media, BCSO, on a regular and timely basis, should release information to the media and respond to media requests. This recommendation is subject at all times to the need for confidentiality so as not to jeopardize any ongoing investigation, legal proceeding, personnel or members of the public.

ii. Appearance of Conflict of Interest in Investigation of Officer-Involved Shootings:

Based on the information provided to SOARB by Sergeant Frederickson, MATF investigations under the MOA are in fact cooperative efforts of the agencies involved with review by the Bernalillo County District Attorney. Accordingly, the term "Lead Agency" used in the MOA is misleading and should be revised by using a term that more accurately describes the cooperative and joint investigative process that actually occurs, including specifying that all MATF findings are subject to review by the Bernalillo County District Attorney. In addition, BCSO should develop an increased sensitivity to the public's conflict of interest concerns when explaining the investigative process to members of the public, especially those whose family member or loved one has died in connection with an officer-involved shooting. SOARB continues to be concerned about seeking a solution to the appearance of a conflict of interest in such situations.

iii. Release of Body Worn Camera and Other Videos:

The default policy should be that complete body-worn camera, dash camera and similar video records be released publicly as long as release does not: interfere with a law enforcement proceeding, constitute an unwarranted invasion of personal privacy, jeopardize an on-going investigation, or endanger any member of law enforcement or the public. SOP should clearly state: the process for responding to public and media disclosure requests; which specific member(s) of BCSO are authorized to make the decision to redact video; and that redaction can only be done upon agreement by two such authorized BCSO members. Simultaneously with the release of a video that has been edited/redacted, BCSO should release a thorough explanation of the reason for the redaction, and a statement as to when/if the edited/redacted material will, or is expected to be, released in full.

iv. Standard Operating Procedures (“SOP”):

1. Public Input on SOP: BCSO’s website should provide a simple form to allow public comment on SOP, comparable to that on the APD website.

2. Use of Force/Duty to Intervene: SOP §314 (effective 9/29/2022) provides:

Deputies have a duty to intervene to prevent the use of excessive force. Any deputy present and observing another deputy using force that is clearly unreasonable under the circumstances must, when in a position to do so safely, intervene to prevent the use of excessive force.

BCSO should consider whether the term “duty to intervene” could be further defined in SOP to give a clearer understanding of the range of actions that may be included in the “duty to intervene,” such as the definition used in BCSO training materials since at least 2016 (**See Appendix 14 for full excerpt**):

The intervention may take the form of one or more of the following actions:

- a) strongly caution the other officer
- b) physically restrain the other officer
- c) immediately report the incident

Further clarification of the “duty to intervene” may also be informed by the evolving body of law enforcement standards and case law dealing with this issue. (**See Examples at Appendix 15**)

3. Contract Signing Procedure: The procedure for reviewing and entering into contracts should be specified in SOP. Such procedure should include prior-to-signing legal review for all but the most routine contracts.

4. Operations – Area Commands: SOP §100-3(A) states that there are three Area Commands: North, South and East. A map delineating the area covered by each Area Command should be added.

v. MCI: SOARB recommends that BCSO attend the entire series of MCI meetings every year, including at least some participation directly by the Sheriff, because cooperation between and among all law enforcements agencies – local, county, state and federal – can only enhance law enforcement efforts and public safety.

vi. CALEA: SOARB recommends that BCSO look into the advisability of gaining CALEA accreditation again.

vii. “On Patrol: Live”: SOARB recommends that BCSO cease participation in OPL. If BCSO is not willing to cease participation, or opts to participate in such a venture in the future, then at the very least, BCSO should discontinue participation until provision can be made: (a) to allow any member of the public to opt out of being filmed by OPL cameras, just as the OPL Contracts provide that only those BCSO Deputies who have consented will be filmed by OPL cameras; and (b) to give BCSO the right to prior review of all video, whether filmed by BCSO or OPL cameras, and the right to veto the airing of any video BCSO determines presents inaccurate information, or a security or safety risk to BCSO or the public.

viii. Contract Signing Procedure: Although, according to the Bernalillo County Attorney's Office, BCSO has the right to enter into contracts without legal review by the County Attorney's Office or any other attorney, BCSO should exercise its discretion in favor of putting all but the most routine contracts through legal review before they become effective, to minimize the risk of entering into contracts that raise concerns such as those raised by the July and September OPL Contracts, which BCSO advised were not submitted for legal review until months after they became effective. **(See discussion at Section III(R-ii) of this Report)**

ix. Concerning Imagery on BCSO Recruitment Vehicle: The recruitment vehicle at issue should be taken out of public view immediately until all offensive images are removed. **(See images at issue at Appendix 3)** Before using imagery on BCSO vehicles or property other than items such as the standard logo and other contact information, BCSO should carefully and thoroughly vet such imagery to ensure it is not offensive, frightening or off-putting to the community, including researching the images on Google and other internet resources, consultation with authorities on hate symbols, and extensive communication with members of the community to get a sense of community sentiments and standards about such images.

B. Advice and Recommendations to BCC

i. Investigation of BCSO Officer-Involved Shootings: As discussed above in this Report, the MOA **(See Appendix 10)** designates BCSO as the lead investigative agency of any multi-agency task force investigation of BCSO officer-involved shootings. BCC should consider what measures, if any, may be advisable to address the possible appearance to the public of a conflict of interest in the case of a law enforcement agency such as BCSO taking the lead in investigating itself. In making this recommendation, SOARB wants to make it clear that: (1) it is aware that BCSO's current practice of taking the lead in investigating BCSO officer-involved shootings is consistent with law enforcement practices in other jurisdictions, both within and outside of New Mexico; and (2) the only reason SOARB is making this recommendation with respect to BCSO only is that SOARB's area of review is limited by the Ordinance to issues concerning BCSO.

ii. Accessibility of Crime Statistics and Disclosure of Crimes to Public/Media in Timely Fashion: BCC should consider what legislative measures may be taken to mandate that BCSO make crime statistics readily available to the public by providing easy access to same on the BCSO website, subject at all times to the need for confidentiality so as not to jeopardize any ongoing investigation, personnel or members of the public. The public and the media should not have to make an IPRA request to access BCSO's crime statistics on a timely basis. If such legislative measures must be taken on a statewide rather than county-wide basis, then referral to the appropriate legislative body should be made.

iii. Governor's Public Health Orders: BCC should consider what measures, such as legislation, public outreach and education, can be taken to clarify for the public that the Governor's Public Health Orders are laws that BCSO does not have discretion to refuse to enforce, with the proviso that BCSO does have discretion as to the manner of enforcement.

iv. BCSO Oversight: BCC should consider: (a) whether the four-year election cycle and the two-consecutive-term limits provide sufficient oversight and accountability of BCSO, (b) whether it would be advisable for BCC or other governmental body (elected or appointed) to have additional oversight authority over BCSO, and (c) whether SOARB is an effective mechanism for furthering the goals of transparency and accountability. SOARB has received over 55 comments from members of the public during calendar year 2022, compared with 25 public comments during SOARB's first year of operation (November 2020 through December 2021). The majority of public comments were made at SOARB's first hybrid in-person/virtual meeting on October 14, 2022. It is anticipated that public participation will increase as SOARB continues to transition in 2023 from virtual meetings to hybrid

and fully in-person meetings at different venues in the County, and to have a greater number of meetings focused on topics of particular interest to the community.

v. SOARB Membership: It was not until August 2022 that SOARB finally had a full complement of nine members, as authorized by the Ordinance. For most of 2021 and several months of 2022, the membership was at only six. In order to provide the broadest possible representation of the residents of Bernalillo County under the Ordinance, SOARB membership should be at nine at all times, with new members to be appointed by BCC promptly as vacancies occur. In the case of any vacancy that continues for more than six consecutive months, BCC should consider adopting a policy permitting appointment of a new SOARB member from any District regardless of the District in which the vacancy occurs.

vi. Alvarado Square as Venue for Non-Partisan Forum re County Elections. The new Alvarado Square facility would have been a perfect venue for a non-partisan forum open to all candidates running for Bernalillo County Sheriff because it has ample room for attendance by members of the public and the ability to allow public broadcast of the proceedings. However, such use is prohibited by laws barring the use of County facilities for political purposes. BCC should consider the possibility of revising such laws so that Alvarado Square could be used as a venue for such a non-partisan forum on a topic of general interest to County residents, such as the election of the Bernalillo County Sheriff.

vii. Designate BCC Liaison(s) to SOARB: to facilitate regular communication between BCC and SOARB, BCC should consider whether to designate one or more Commissioners as liaison(s) to SOARB to facilitate communication of any questions/comments BCC may have for SOARB, and vice-versa.

V. SUGGESTED ISSUES FOR CONTINUING OR FUTURE REVIEW BY SOARB

- A. Public Comment:** Any issues raised by members of the public.
- B. Extend SOARB's Community Outreach/Impact:** By identifying and issues of concern to community members and holding meetings focused on such concerns. Continue efforts to increase community engagement with SOARB by such methods as: in-person meetings at different venues throughout the county, and holding meetings focused on specific topics of interest to the community.
- C. Outreach to BCSO:** Continue to work cooperatively and productively with BCSO under the administration of newly-elected Sheriff John Allen.
- D. Continue SOP Review:** BCSO's cooperation in providing notice of updates to SOP will greatly assist SOARB in its continuing review of SOP in the coming year.
- E. Increased Interaction with BCC to Define BCC Goals:** It is expected that increased interaction with BCC in 2023 will enable SOARB to further its understanding and fulfillment of BCC's goals in creating SOARB.

VI. CONCLUSION

The members of SOARB look forward to continuing to work together to serve and promote the interests of the community, in cooperation with the BCSO and the BCC. As COVID-19 concerns ease, SOARB plans to expand outreach to members of the community through in-person meetings held at different venues in the County, including seeking community input on the advisability of using BCSO Headquarters or a Field Office as one of SOARB's meeting venues.

APPENDICES

APPENDIX 1
Bernalillo County Ordinance 2020-21

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2020-21

Chapter 50

ARTICLE V. – BERNALILLO COUNTY SHERIFF’S OFFICE ADVISORY AND REVIEW
 BOARD

Sec. 50-79. - Short title.

This article shall be known and may be cited as the "Sheriff’s Office Advisory and Review Ordinance."

Sec. 50-80. - Purpose and intent.

(a) It is the purpose of this article to improve public transparency and accountability with respect to the Bernalillo County Sheriff’s Office, by providing robust opportunities for community engagement, analysis and review of the Office’s policies, practices, procedures, and provide advice to the Board of Bernalillo County Commissioners, the Sheriff’s Office, and the public.

(b) This article is promulgated pursuant to the county’s authority under the New Mexico Constitution and statutes. The board of county commissioners’ authority includes those powers necessary and proper to provide for the safety, preserve the health, and improve the morals, order, comfort and convenience of its inhabitants.

(c) Any approvals granted under this article do not authorize or legalize any conduct, activity, or business that is illegal under city, county, state or federal law.

Sec. 50-81. – Advisory.

(a) *Advisory board.*

(1) *Creation of advisory board.* An advisory board is hereby created, in compliance with section 2-432 of the Bernalillo County Ordinances, and is designed to provide ongoing analysis and review of the Sheriff Office’s policies, practices, procedures, and provide advice to the Board of Bernalillo County Commissioners, the Sheriff’s Office, and the public

(2) *Advisory function.* This board shall serve in an advisory capacity to the Board of County Commissioners and the Sheriff’s Office.

(3) *Members.* The board shall be made up of nine members. Each Commissioner shall appoint one member from their district and four shall be at-large members selected by the commission from the pool of all applicants. The terms of all members shall be four years. Preferably, the four at-large members will have experience, knowledge, or skill in at least one of the following areas: community service, military service, public safety service, criminal law, civil rights, or law enforcement research. Annually, at the first meeting of the calendar year, the board shall elect its chair and vice-chair.

CONTINUATION PAGE 2, ORDINANCE 2020-21.

- 1 (4) *Process for selection of members.* A notice of vacant advisory board positions
2 will be posted in the appropriate place on the county's webpage, inviting
3 interested persons to apply and submit a resume to the county manager's office.
4 Additionally, the County shall prepare and distribute this notice for posting at all
5 county recreation facilities and other facilities it owns and operates. Applications
6 and resumes shall be forwarded to all commissioners. The Commission will strive
7 for equity in demographics and geography across the county.
- 8 (5) *Staff.* The County Manager will consult with the Board to determine staff support
9 needed to facilitate their work.
- 10 (6) *Participation by the Sheriff.* The Sheriff, or a senior ranking member of the
11 Sheriff's Office, selected by the Sheriff, shall be invited to attend and participate
12 in all the meetings of the board, and shall have the privilege of the floor, without
13 voting rights.
- 14 (7) *Meeting frequency.* The advisory board shall meet at least once per quarter.
- 15 (8) *Open Meetings Act.* The board shall comply with the requirements of the New
16 Mexico Open Meetings Act, NMSA 1978, § 10-15-1 et seq.
- 17 (9) *Duties of the board*
18 On its own initiative, or at the request of the Board County Commissioners or the
19 Sheriff, without interfering with the Sheriff's investigative function the Board
20 shall:
 - 21 a. complete its own investigation of the Sheriff's Office's operational
22 policies, practices, processes and procedures.
 - 23 b. hold public meetings to solicit public input regarding the Sheriff's
24 Office's policies, procedures, services and programs. Establish rules and
25 procedures to ensure that its meetings provide for public comment and
26 when necessary, include meetings focused solely on public comment.
 - 27 c. communicate with and request information from the Sheriff, including but
28 not limited to completed disciplinary actions, finalized internal affairs
29 investigations, and operating policies to complete its review, analysis and
30 investigations.
 - 31 d. determine whether an independent expert audit or review of the Sheriff's
32 Office's operational policies, process and procedures is required.
 - 33 (i) If a majority of the board determines that an expert audit or
34 review of the Sheriff Office's operational process, policies or
35 procedures is required, they may authorize audits or reviews to be
36 conducted by independent experts to analyze, solicit input and
37 make recommendations to the Board of County Commissioners
38 and the Sheriff.
 - 39 (ii) Consult with the county manager about the availability of
40 funding, within her scope authorization, or from the Commission,

CONTINUATION PAGE 3, ORDINANCE 2020-21.

and the procurement process for any audits or reviews to be conducted by independent experts.

(iii) Hire experts through a competitive procurement process.

e. review, analyze, and where appropriate solicit additional input, and make advisory recommendations to the Board of County Commissioners and the Sheriff on the Sheriff's Office's operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community.

(i) Seek the input of the Sheriff prior to completing any of its recommendations made pursuant to the duties defined in this section.

(ii) Request the advice and assistance of the Bernalillo county attorney about the process and requirements for making referrals or reports to other governmental enforcement bodies.

f. prepare and distribute an annual report to the Board of Commissioners and Sheriff at the Board's last meeting in January, summing its activities of the prior year and its plans for the coming year.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY, NEW MEXICO this 22nd day of September, 2020.

APPROVED AS TO FORM

BOARD OF COUNTY COMMISSIONERS

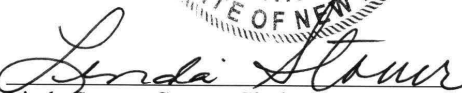
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W. Ken Martinez, County Attorney

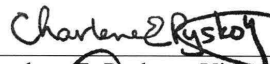


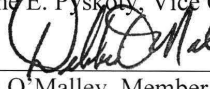
ATTEST:


Linda Stover, County Clerk

VOTED 'NO'

Lonnie C. Talbert, Chair


Charlene E. Pyskotsy, Vice Chair


Debbie O'Malley, Member


Steven Michael Quezada, Member


James M. Collie, Member

APPENDIX 2

Summary of: County Payouts to Settle Cases Involving BCSO Pre- and Post-SOARB and Sampling of 2022 News Coverage of BCSO

1. Since SOARB's inception in 2020, as of 8/29/2022, Bernalillo County has not paid large amounts to settle lawsuits involving BCSO. By contrast, prior to SOARB's inception, Bernalillo County paid millions to settle lawsuits involving BCSO, including a \$4 million and a \$3.3 million settlements in two of the most high-profile cases (as detailed in SOARB's January 2022 Annual Report).
2. There have been some notable media reports in 2022 concerning controversy involving BCSO (examples are set forth below), which is in contrast to the substantial number of items involving controversy related to BCSO as reported in Appendix 2 of SOARB's January 2022 Annual Report:
 - a. "Suit Says Deputy Misconduct Led to False Detention", *Albuquerque Journal*, 1/23/2022 at <https://www.abqjournal.com/2463799/suit-says-deputy-misconduct-led-to-false-detention-ex-man-spent-five.html>
 - b. "Deputies Failed to Release Evidence that Would have Set Man Free," KOAT, 3/11/2022 at <https://www.koat.com/article/deputies-failed-to-release-evidence-that-would-have-set-man-free/39408808>
 - c. Criticism of BCSO Participation in TV Series "On Patrol: Live":
 - i. "Call Cut on BCSO Show": "People whose only 'crime' is having their vehicle hit by an errant tire shouldn't be forced to be on a show, and there's got to be a better way to get recognition for our hardworking law enforcement officers. The Bernalillo County Sheriff's Office Advisory and Review Board should make a formal recommendation to the Sheriff's Office for "On Patrol: Live" to exit the nearest stage door." *Albuquerque Journal* Editorial Board, 10/28/2022 at <https://www.abqjournal.com/2543993/call-cut-on-bcso-show.html>
 - ii. "BCSO gets Push Back about Participation in Reality TV Show," *Albuquerque Journal*, 10/14/2022 at <https://www.abqjournal.com/2540666/bcso-gets-push-back-about-participation-inreality-tv-show.html>
3. There have been a number of positive reports concerning BCSO's actions in 2022, including the following two, which seem particularly significant given that they both reflect positively on BCSO's handling of people experiencing mental health crises, an area where BCSO has been subject to criticism in the past:
 - a. "BCSO standoff ends with suspect, K-9 OK": "Credit the Bernalillo County Sheriff's Office with showing restraint during a recent SWAT standoff in the South Valley that looked like a use-of-force tragedy in the making." *Albuquerque Journal* Editorial Board, 9/8/2022 at https://abqjournal-nm.newsmemory.com/?publink=2f48dae05_1348610
 - b. See <https://www.abqjournal.com/2530848/ag-wont-prosecute-deputies-in-2019-shooting-of-woman-in-mental-crisis.html> , 9/8/2022:
"AG Won't Prosecute Deputies in 2019 Shooting of Woman in Mental Crisis": "The state Attorney General's Office has declined to prosecute three Bernalillo County Sheriff's deputies who shot and killed a woman suffering from a mental health crisis in front of her

South Valley RV in July 2019....A spokeswoman for the AG's office said the decision not to pursue a criminal prosecution was made 'after an extensive examination of the case.'" Albuquerque *Journal*, 9/8/2022 at <https://www.abqjournal.com/2530848/ag-wont-prosecute-deputies-in-2019-shooting-of-woman-in-mental-crisis.html>

APPENDIX 3

Questionable Imagery on BCSO Recruitment Vehicle









APPENDIX 4

Vision Statement and Press Release

Adoption of Vision Statement:
Sheriff's Office Advisory and Review Board Adopts Vision Statement
Chair Tommy Jewell Appointed Media Spokesperson

Bernalillo County – The Bernalillo County Sheriff's Office Advisory and Review Board (SOARB) has approved the following vision statement:

The Sheriff's Office Advisory and Review Board seeks to create stronger community ties between the residents of Bernalillo County and BCSO.

"The ordinance that created the SOARB is comprehensive and members wanted to distill the purpose into a succinct statement," says Tommy Jewel, board chair and retired judge. "We seek to create stronger community ties between the residents of Bernalillo County and BCSO. And the public is invited to share their experiences with BCSO during public comment periods of our monthly meetings."

The next meeting of the Sheriff's Office Advisory and Review Board is Friday, May 14, 2021 at 11 a.m. [Click here](#) or call 505-468-1332 to sign-up to speak.

The vision statement was approved during the April 9, 2021 meeting during which members also voted to appoint board chair Tommy Jewel as the media spokesperson for SOARB. Members of the news media are invited to email the undersigned to request Judge Jewel's contact information.

APPENDIX 5
Albuquerque Journal Op-Ed by SOARB Chair & Vice Chair

Board offers Bernalillo County Sheriff's Office valuable input

BY TOMMY JEWELL / RETIRED JUDGE, CHAIR, BERNALILLO COUNTY SHERIFF'S OFFICE
ADVISORY AND REVIEW BOARD AND DEBBIE STRONGIN / SOARB VICE CHAIR

PUBLISHED: TUESDAY, APRIL 19TH, 2022 AT 12:03AM

UPDATED: TUESDAY, APRIL 19TH, 2022 AT 12:15AM

The Bernalillo County Sheriff's Office Advisory and Review Board (SOARB) was created by ordinance advanced through the efforts of Bernalillo County Commissioner Charlene Pyskoty and former Commissioner James Collie, and approved by the County Commission in September 2020. The ordinance authorizes a board of nine members with four-year terms, charged with working cooperatively with the Bernalillo County Sheriff's Office (BCSO) "to improve public transparency and accountability with respect to the Bernalillo County Sheriff's Office, by providing robust opportunities for community engagement, analysis and review of the office's policies, practices, procedures, and provide advice to the Board of Bernalillo County Commissioners, the Sheriff's Office and the public."

SOARB has met monthly since November 2020, but due to COVID regulations board members have never met in person. It is difficult enough to organize a new board and create a productive working group under normal circumstances, and even more challenging to do so when board members can only meet over a computer screen.

Despite the challenges, SOARB has become a cohesive group committed to pursuing its mission, including publishing a comprehensive annual report in January. The annual report summarizes issues raised by members of the community during SOARB's first year of operations and details SOARB's recommendations to both the BCSO and the County Commission on such topics as improving public access to crime statistics, eliminating the appearance of conflict of interest in investigating officer-involved shootings, and enforcement of the governor's public health orders.

SOARB's goal from the start has been to provide a transparent and open public forum for county residents, criminal justice advocates and representatives of the law enforcement community to respectfully share their ideas on how to improve the nexus between the community and BCSO. To that end, we welcome everyone to attend our meetings and submit an application to become an SOARB member if you feel so called. In recent correspondence, Pyskoty gave us some welcome assurance SOARB is heading in the right direction by commending "how SOARB has really hung in there and done the hard work to come together as a working group and figure out the board's mission, within the constraints of advising an agency under an elected official. As always, you have my respect and admiration."

We look forward to continuing our work on SOARB and encourage all members of the community to attend our meetings. There are currently three open positions on SOARB, one each for Bernalillo County Districts 1, 2 and 4. More information about SOARB, including how to attend a meeting, make a verbal or written comment, apply for an open board position or view the annual report can be found at: bernco.gov/boards-commissions/sheriffs-office-advisory-and-review-board/.

APPENDIX 6

SOARB Code of Conduct Adopted 7/8/2022

BERNALILLO COUNTY
SHERIFF's OFFICE ADVISORY AND REVIEW BOARD



Code of Conduct

July 8, 2022

We the undersigned are committed to the goals expressed by the Bernalillo County Board of County Commissioners (BCBCC) in its adopted Ordinance No. 2020-21 creating the Bernalillo County Sheriff's Office Advisory and Review Board (SOAR Board). The clearly articulated intent of the Ordinance is to improve public transparency and accountability with respect to the Bernalillo County Sheriff's Office (BCSO), by providing robust opportunities for community engagement, analysis and review of the BCSO policies, practices, procedures and provide advice to the BCBCC, the BCSO, and the public. In essence, the SOAR Board serves in an advisory capacity to both the BCBCC and the BCSO.

As part of our responsibility as SOAR Board members, we pledge to conduct our proceedings with dignity and respect while striving to earn the confidence of all the stakeholders mentioned above. We also agree to follow the following code of conduct:

- Demonstrate good manners, courtesy and consideration
- Encourage and participate in honest dialogue
- Listen to and actively consider all points of view
- Confine remarks to the merits of the issue and avoid any reference to personalities
- Endeavor to act in the best interests of the Bernalillo County community and its residents
- Not speak for or represent the entire SOAR Board unless authorized by a majority of the Board (currently only the Chair is authorized to speak for the Board)
- Engage in political activities only as a private citizen and not as a member of the SOAR Board
- Follow all applicable provisions of law pertaining to the conduct of a board such as the SOAR Board, including without limitation, the New Mexico Governmental Conduct Act (NMSA 1978, Chapter 10, Article 16), including all amendments thereto now or hereafter in effect

SHERIFF'S OFFICE ADVISORY AND REVIEW BOARD

/s/ _____
Tommy Jewell, Chair

APPENDIX 7

SOARB Rules of Procedure Adopted 7/8/2022

**BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS**

SHERIFF's OFFICE ADVISORY AND REVIEW BOARD



**RULES OF PROCEDURE
FOR REGULAR ADMINISTRATIVE,
SPECIAL AND EMERGENCY MEETINGS**

July 8, 2022

Sheriff's Office Advisory and Review Board Procedural Rules

Foreword:

The Bernalillo County Board of Commissioners established Sheriff's Office Advisory and Review Board (SOAR) by passage of Board of County Commissioners Ordinance Number 2020-21, Sheriff's Office Advisory and Review Ordinance. As such, the SOAR Board (hereafter in this document referred to as the Board) is designed to provide ongoing analysis and review of the Sheriff's Office policies, practices, procedures, and provide advice to the Bernalillo County Commissioners, the Sheriff's Office, and the public. The Board serves in an advisory capacity to the Board of Commissioners and the Sheriff's Office. Appointed by the Board of County Commissioners, the terms of all members shall be four years. With the exception of the first year, the Board shall select its chair and vice chair annually at first meeting of the calendar year. The current board is made up of seven members and may have as many as nine members as specified in Ordinance Number 2020-21. The Board has decided to meet regularly on the second Friday of each month. The following rules, therefore, are adopted as a set of operating procedures to which the Board voluntarily binds itself. The rules are made only to facilitate the orderly transaction of public business. Robert's Rules of Order only apply where Board rules are silent.

Officers and Members:

Election. Except for the first year, the Board shall elect a chair and vice-chair from among its members at its first regular meeting after January 1 of each year. The Chair and Vice-Chair will serve at the pleasure of the Board and be eligible for election to subsequent terms.

Chair. The chair shall preside at Board meetings and shall:

- Keep members informed of events, meetings or other occasions where the Chair acted or will act as the official spokesperson for the Board.
- Ensure that all other members are informed, within a reasonable time, of significant communications directed to the Chair, in the Chair's official capacity representing the Board, from outside entities such as the public, school boards, pueblos, other municipalities, counties, states, or other federal agencies.
- When the Chair and Vice-Chair are on travel or otherwise unable to perform their duties, appoint a Board member to serve as Chair.

Vice-Chair. The Vice-Chair shall assist the Chair in the performance of the duties of the Chair, and act in the Chair's place when the Chair is unable to perform the duties of the Chair.

Board Members. Members, including the Chair and Vice-Chair, have equal powers and duties except as otherwise specified in the Ordinance and these rules. In addition to their duties specified in the ordinance, members shall:

- Stay informed of County policies.
- In all public statements, make clear that they speak for themselves, unless authorized by the Board to speak for the Board as a whole, or unless stating Board advisory action, such as action taken in an adopted motion at a Board meeting.

- Participate on Board standing and ad hoc committees.

Board Meetings:

Regular Meetings. Regular meetings of Board will be set under the requirements of the annual Opening Meetings Resolution adopted by Board.

Special Meetings. The Chair, may call a special meeting, or the Board at an open meeting may set a special meeting for the purpose of conducting Board business. Notice of a special meeting will follow the requirements of the annual Open Meetings Resolution.

Emergency Meetings. The Chair may call an emergency meeting in accordance with the annual Open Meetings Resolution.

Meeting Agendas. The Chair and Vice-Chair will, in consultation with the County Manager or their representative, develop the Board meeting agenda. Any Board member may request to have an item placed on a future Board meeting agenda. The item will be placed on the agenda as soon as practicable, but no later than 30 days after the request, unless otherwise agreed by the Board member making the request.

The agenda for any regular meeting may include a consent calendar. The purpose of the consent calendar is to expedite Board consideration and approval of routine, ordinary, or other items that do not require discussion and for which a public hearing is not required by law. Any item on the consent calendar that a member asks to be considered separately will be pulled from the consent calendar for separate discussion and consideration as a business item at the same meeting.

Citizen Petitions. When a subject appears on an agenda as a result of a properly presented citizen petition, it will be on the agenda and the Board may:

- Acknowledge receipt of the petition and take no further action.
- Acknowledge receipt of the petition and take the requested action or a different action addressing the subject.
- Decide to investigate the subject and discuss further, in which case a future date may be set for the presentation of additional information, Board discussion and possible action.

Rules of Order For The Conduct of Meetings

Guiding Principles:

The Board rules of order for conducting its meetings are supported by the following values:

- **Rules should establish order.** The primary purpose of any rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules lead to two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- **Rules should be user friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision making by the Board. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.
- **The Chair should take a back seat during discussions.** While all Board members should know and understand the rules of parliamentary procedure, it is the Chair who is charged with applying the rules of conduct. The Chair should be well versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the Chair are final unless overruled by the majority of Board. Because the Chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members in debates and discussions. This does not mean the Chair should not participate in the debate or discussion. On the contrary, as a member of the Board, the Chair has full rights to participate in debates, discussions and decision-making. The Chair should, however, strive to be the last to speak at the discussion or debate stage, and should not make or second a motion unless he or she is convinced no other member will do so.

Basic Format for an Agenda Item Discussion:

Formal Board meetings normally have a written, published agenda; informal meetings, like closed sessions may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the Board's agreed-upon road map for the meeting. Each agenda item can be handled by the Chair in the following basic format.

Per the State of New Mexico, Office of the Attorney General Open Government Advisory During COVID-19 State of Public Health Emergency, if a public body decides to conduct virtual meetings, it should:

- *At the start of the meeting, the Chair should announce the names of those members of the public body participating remotely.*

- *All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.*
- *Members of the public should be afforded remote access, via live stream or other similar technology, if possible, or call-in number for listening by phone.*
- *The Chair should suspend discussion if the audio or video is interrupted.*
- *All votes of the public body must be by roll call vote.*
- *The public body should produce and maintain a recording of the open session of the meeting.*

First, the Chair should clearly announce the agenda item number and clearly state what the subject is. The Chair should then announce the format that will be followed.

Second, following that agenda format, the Chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the Chair, a member of Board, a staff person, a member of the public, or a person charged with providing information about the agenda item. The Chair, at their discretion, may also ask a Board member to lead the discussion on an agenda topic.

Third, the Chair should ask members if they have any technical questions for clarification. At this point, members may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the Chair should invite public comments or, if appropriate at a formal hearing, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of each public speaker. At the conclusion of the public comments, the Chair should announce that the public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the Chair should invite a motion from a member of Board. The Chair should announce the name of the member who makes the motion.

Sixth, the Chair should determine if any member wishes to second the motion. The Chair should announce the name of the member who seconds the motion. It is compulsory practice for a motion to require a second before proceeding with it, to ensure that it is not just one member who is interested in a particular approach.

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion before the discussion or vote. This can be done in one of three ways:

1. The Chair can ask the maker of the motion to repeat it;
2. The Chair can repeat the motion; or
3. The Chair can ask the liaison to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the members of Board. If there is no desired discussion or the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote by either asking the members to vote “aye” or “nay” by voice or by taking a roll call vote of each member. If any Board member declines to vote “aye” or “nay” by voice, his or her vote shall be counted as an “aye” vote. A majority of at least four Board members determines whether the motion passes or is defeated. Should the Board increase in size to nine as authorized in the Ordinance, then at least five Board members determine whether the motion passes or it is defeated.

Note: Per the State of New Mexico, Office of the Attorney General Open Government Advisory During COVID-19 State of Public Health Emergency, all votes of the public body must be by roll call vote during virtual meetings.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the Board has taken. In announcing the result, the Chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement may take the following form: “The motion passes by a vote of 4-2, with Board members Smith and Jones dissenting.

Motions in General

Motions are vehicles for decision –making. It is usually best to have a motion before the Board prior to discussing an agenda item, to help everyone focus on the motion before them. Motions are made in a simple, two-step process. First, the Chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move...” A typical motion might be: I move that we give 10 days’ notice in the future for all our meetings.”

The Chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to members: “A motion would be in order that we give 10-days’ notice for all future meetings.”
3. Making the motion.

As noted, the Chair has every right as a member of Board to make a motion, but normally should do so only if he or she wishes a motion be made but no other member seems willing to do so.

The Three Common Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that Board create a five-member committee to plan and put on an annual fundraiser.”
2. **The motion to amend.** If a Board member wants to change a basic motion that is under discussion, he or she should move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes a basic motion that is before the Council and seeks to change it in some way.

3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before Board, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way. A vote on a motion to amend should occur before the vote on the basic motion. If it passes then the vote should be taken on the basic motion as amended. If the motion to amend does not pass, then the basic motion as originally stated should be voted on.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. A vote on a motion to substitute has precedence over the basic motion. If a substitute motion is made, the Chair should call for a vote on that motion first. If it passes, then a vote is not called on the basic motion since it has been substituted with the motion that just passed. If the substitute motion fails, then a vote on the basic motion should be taken.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Chair. So that if a member makes what he or she calls a motion to amend, but the Chair determines it is really a substitute motion, the Chair’s designation governs.

To Debate or Not Debate

The basic rule of motions is that they are subject to debate and discussion. Accordingly, basic motions, motions to amend, motions to suspend the rules, and substitute motions are all eligible, each in their turn, for full discussion before and by the Board. The debate can continue as long as members wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Council without debate on the motion):

A motion to adjourn. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.

A motion to recess. This motion, if passed, requires the Council to immediately take a recess. Normally, the Chair determines the length of the recess, which may range from a few minutes to an hour.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn the meeting at midnight.”

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion may contain a specific time in which the item can come back to the Board. Or the motion may contain no specific time for the return

of the item, in which case a motion to take the item off the table and bring it back to Board will have to be taken at a future meeting.

A motion to limit debate. The most common form of this motion is to say: “I move the previous question” or “I call for the question.” When a member makes such a motion, the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the Chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the Council from even considering an item on the agenda.

Motion to close nominations. When choosing officers of the Board, such as the Chair and Vice-Chair, nominations are in order from the floor of the Board. A motion to close nominations effectively cuts off the right of members to nominate officers for consideration.

The Motion to Reconsider

This is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

Obviously, a motion to reconsider requires a majority of 4 members’ vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Board. Technically, a motion to reconsider made at a later time is untimely. (The Board, however, can always vote to suspend the rules and, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may only be made by certain members. Accordingly, a motion to reconsider may only be made by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member may second the motion.) If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where members of the Board and members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the Chair and the Board to maintain common courtesy and decorum. Unless the setting is very formal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before

proceeding to speak. All comments, questions and general discussion should be directed to the Chair.

The Chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not the personalities of the members, staff of the Sheriff's Office or the public. Debate on policy is healthy; debate on personalities is not. The Chair has the right to cut off discussion that is too personal, too loud, too unprofessional or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members. Can members interrupt a speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of Privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be "Point of Order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member disagrees with, the member may appeal the ruling of the Chair. If the motion is seconded and after debate, it passes by a majority vote, then the ruling of the Chair is reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes the Board has drifted from the agreed upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers the agenda has not been followed, the Chair simply reminds the Board to return to the agenda item before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes about Public Input

The rules outlined here help make meetings very public friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the Board will be doing.

Rule Two: Keep the public informed while the Board is doing their work.

Rule Three: When the Board has acted, tell the public exactly what the Board did.

Public input is essential to a healthy democracy, and community participation is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. Generally, members of the public may provide comment when invited to do so by the Chair. The time limit for public comment is two minutes unless an extension is granted by the Chair. The rules presented here for conducting a Board meeting are offered as tools for effective leadership and as a means of developing sound policy.

ADOPTED, in the County of Bernalillo, New Mexico, this 8th day of July, 2022

APPROVED AS TO FORM

W. Ken Martinez, County Attorney

SHERIFF'S OFFICE ADVISORY AND REVIEW BOARD

/s/ _____
Tommy Jewell, Chair

APPENDIX 8

Letter from BCC Commissioner Pyskoty dated 3/11/2022

Proud of SOARB

SOARB

Charlene Pyskoty <cpyskoty@bernco.gov>

Fri, Mar 11, 1:50
PM

to me, Tommy, Joe

Dear Chair Jewell and Member Strongin,

I saw this editorial in today's Journal and it made me think of how the SOARB has really hung in there and done the hard work to come together as a working group and figure out the Board's mission, within the constraints of advising an agency under an elected official.

https://www.abqjournal.com/2478313/abq-council-right-to-revise-apds-civilian-oversight-2.html?utm_medium=Social&utm_source=Twitter#Echobox=1647013764

As always, you have my respect and admiration.

Sincerely,
Charlene Pyskoty
Bernalillo County Commissioner, District 5

APPENDIX 9

07/11/2022 Letter to BCSO re Attendance at 2022 MCI Meetings

Tommy Jewell (Dist. 3) Chair
 Dianne Layden (Dist. 5)
 VACANT (Dist. 1)
 Joseph A. Lopez (Dist. 2)
 W. James Stewart (Dist. 4)



Debbie Strongin (AL), Vice Chair
 Debi Dodge (AL), Member
 Michael Wismer (AL), Member
 Elena Giacci (AL), Member

**Bernalillo County
 Sheriff's Office Advisory and Review Board**

July 11, 2022

County of Bernalillo
 Undersheriff Larry Koren
 Undersheriff Wes Covington

Dear Undersheriffs, Koren and Covington,

At the July 8th meeting of the Sheriff's Office Advisory and Review Board, the board voted to ask BCSO to send a designee to the 2022 Metro Crime Initiative (MCI) meetings. BCSO did not participate in last year's MCI meetings.

In 2021, the City of Albuquerque invited representatives of law enforcement, the state, the courts, the public defender, Native American tribes, and crime victims, among others, to five meetings to develop action plans and legislative proposals for the 2022 legislative session, some of which were adopted (see MCI links below).

Albuquerque in 2021 had a record high number of homicides (119) and is on pace to match that number in 2022 (see Albuquerque Journal article below).

In 2022, the MCI will meet on July 19th, August 16th, and September 20th about gun violence, drugs and behavioral health, and domestic violence. The contact person is APD policy analyst Damon Martinez, damonmartinez@cabq.gov. We hope BCSO will participate.

Thank you.

Sincerely,

Judge Tommy Jewell
 Chair, SOAR Board
tommyjewell@gmail.com
 505-480-1931

2022 Metro Crime Initiative (meeting dates)
<https://www.cabq.gov/mayor/news/mayor2019s-metro-crime-initiative-releases-crime-fighting-agenda>

MCI results of 2022 legislative session
<https://www.cabq.gov/mayor/news/mayor-keller-and-city-leaders-discuss-results-of-legislative-session-change-must-continue-at-every-level-of-criminal-justice-system>

Albuquerque Journal, June 25, 2022 (Albuquerque homicide data)
<https://www.abqjournal.com/2511525/keller-city-holding-the-line-during-difficult-times.html>

APPENDIX 10

**Multi-Agency Task Force Memorandum of Agreement (MOA) among
NM Department of Public Safety, BCSO and APD**

MEMORANDUM OF AGREEMENT

Between the
 NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
 And the
 COUNTY OF BERNALILLO
 ON BEHALF OF
 BERNALILLO COUNTY SHERIFF'S OFFICE
 And the
 ALBUQUERQUE POLICE DEPARTMENT

This Memorandum of Agreement (MOA), dated April 8, 2020 is made and entered into and agreed to by and between the New Mexico Department of Public Safety, the Bernalillo County Sheriff's Office, and the Albuquerque Police Department.

WHEREAS pursuant to 29-2-18, NMSA 1978, the Chief and other members of the New Mexico State Police, who, when duly commissioned and sworn under the provisions of Sections 29-2-1 through 29-2-29, NMSA 1978, shall have the following powers and shall perform the following duties:

1. They shall be conservators of the peace within the state, with full power to apprehend, arrest and bring before the proper court all law violators within the state;
2. Upon request of any officer or agency of the state, charged with the duty of enforcing any law of the state, made to the Secretary of Public Safety, one or more members of the New Mexico State Police may be temporarily designated specifically to enforce the provisions of such law; and

WHEREAS pursuant to 4-41-2, NMSA 1978, the Bernalillo County Sheriffs shall have the following powers and shall perform the following duties:

1. They shall be the conservators of the peace within the county;
2. They shall suppress assaults and batteries;
3. They shall apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them, and

WHEREAS pursuant to 35-15-4, NMSA 1978, the Bernalillo County Sheriff's Office and the Albuquerque Police Department may serve any process or make any arrests authorized to be made by any city or town officer; and

WHEREAS pursuant to 3-13-2, NMSA 1978, the Albuquerque Police Department shall apprehend any person in the act of violating the laws of the State or the ordinances of the municipality and bring him before competent authority for examination and trial. In the discharge of proper duties, the Albuquerque Police Department shall have the same powers and be subject to the same responsibilities as sheriffs in similar cases;

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WHEREAS the above referenced public agencies desire to enter into this MOA to exercise their common power pursuant to NMSA 1978, Section 29-1-1 to investigate all violations of the criminal laws of the state which are called to the attention of any officer or of which the officer is aware, to diligently file a complaint or information, if the circumstances are such as to indicate to a reasonably prudent person that such action should be taken, and to cooperate with and assist the attorney general, district attorney or other prosecutor, if any, in all reasonable ways.

THEREFORE, the parties hereby agree as follows:

1. SCOPE OF WORK:

- A. The purpose of this MOA is to establish a formal protocol among the above named law enforcement agencies for the following types of investigations:
 - 1) Officer-Involved Shooting
 - 2) Other Serious Use of Force
 - 3) In Custody Death, to include deaths that occur at the Bernalillo County Metropolitan Detention Center (MDC) involving MDC personnel involved in a use of force resulting in death.
- B. A Multi-Agency Task Force ("MATF"), with representatives from each of the law enforcement agencies subject to this agreement, is hereby created to investigate the aforementioned situations.
- C. The parties also agree that this Multi-Agency Task Force, or an agency identified herein, may be requested by the head of one of the other agencies to this agreement, or a designee, to investigate any other officer-involved suspected criminal action including, but not limited to, off-duty or non-duty related incidents.
- D. A single agency will be designated as the "Lead Agency" in a particular investigation, with the other agencies providing investigative support and supplemental assistance in the investigative effort, as needed. The law enforcement agency that employs the officer involved in one of these situations shall be designated as the "Lead Agency" for the investigation. If a situation involves more than one agency, the Lead Agency shall be the agency that initiated the enforcement action. The Department of Public Safety, New Mexico State Police Division, reserves the right to be designated Lead Agency for incidents involving its personnel. If the law enforcement agencies cannot agree on a Lead Agency, they agree to seek direction from the Bernalillo County District Attorney's Office to designate the Lead Agency.
- E. Task Force members will respond to the designated command post location for the incident within one hour of notification. Upon arrival, the task force members will await instructions and

an incident briefing which will begin as soon as possible but not before task force members are present. It will be the responsibility of the Lead Agency's on-scene investigations supervisor to insure members are present and to determine when briefings will be conducted. The initial task force briefing will include: all primary task force investigators and investigations supervisor, primary crime scene investigators and crime scene investigations supervisor, assisting investigators, the representative/s from the Bernalillo County District Attorney's office and the representative/s from the Office of Medical Investigator. In those instances, where Albuquerque Police Department is the Lead Agency, Albuquerque Police Department's counsel and the City of Albuquerque Independent Review Officer (or designee) may be present at the administrative Task Force briefing but the briefing shall not be delayed if they are not present on scene. An executive or administrative briefing **may follow** the initial investigative task force briefing. The primary investigators will designate a representative to provide the Executive/administrative briefing and any subsequent briefings.

- F. The Task Force is responsible for conducting a thorough and appropriate investigation of each event it is called out to investigate. The responsibilities include:
1. Gathering preliminary information from officers and witnesses.
 2. Conducting thorough canvasses of the area of the incident to insure all potential witnesses are contacted and interviewed and all potential recordings of the incident are located and reviewed. All interviews and any other evidence collected during canvassing will be documented and entered into evidence with the Lead Agency.
 3. Conducting and documenting recorded interviews of all involved personnel, with all recordings and documentation provided to the Lead Agency. When conducting interviews of involved personnel, a representative from another agency should be present during those interviews.
 4. Requesting, obtaining and executing all necessary search and/or arrest warrants related to the incident.
 5. Assisting with death notification to the next of kin upon the request of the Lead Agency. Deceased parties will not be publicly identified prior to next of kin death notification.
 6. Reviewing the incident facts to determine the appropriate date and time at which information may be released to the public and media, while focusing on maintaining the integrity of the investigation.
 7. The Head of the Lead Agency will have the final decision on the release of any information.
 8. Officers who used deadly force will be interviewed in accordance with the employing agency's policies. The Primary Investigator for the Lead Agency should notify the assisting Primary Investigator/s of any information that is going to be released to the public prior to its release.

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9. The Primary Investigators will conduct a debriefing for other Task Force members prior to leaving the scene of an incident and at each stage of the investigation as they deem necessary.
 10. The Lead Agency will compile all necessary reports and documents and submit these as a completed case to the District Attorney's office, with jurisdictional authority of the incident, in a timely manner.
- G. Each agency participating in these investigations shall be responsible for any associated costs required by their own personnel (i.e. salaries and overtime pay). Each agency will make available to these investigations the use of its equipment and facilities as requested/required by the multi-agency Task Force.
- H. The Public Information Officer duties will be performed by the Lead Agency, unless otherwise agreed to by all parties.
- I. Any law enforcement agency within the jurisdiction of Bernalillo County, which is not a party to this MOA, may request an investigation by the Task Force of any Officer Involved Shooting or In-Custody Death. In addition, any law enforcement agency from outside the jurisdiction of Bernalillo County may request an investigation by this Task Force if one of its officers is involved in any of the above situations within Bernalillo County. The determination of the Lead Agency in these cases will be made by the Task Force supervisors. Any disagreements in this determination will be referred to the local District Attorney or his/her designee for final designation. In the event a law enforcement agency directly associated with the Bernalillo County District Attorney's Office requests the Task Force to conduct an investigation of an Officer Involved Shooting, Serious Use of Force, or In-Custody Death, and there is disagreement in the determination of the Lead Agency, the determination of Lead Agency shall be made by an agency designated by the Bernalillo District Attorney.
- J. All personnel associated with the MATF have a responsibility to ensure the integrity of the investigations is beyond reproach. In the event a MATF related investigation is found to be deficient or there are significant problems with the investigation the following are examples of how this can be addressed:
1. Address the concerns with the first line supervisor of the lead detective.
 2. Chief of Police/Sheriff of detective/supervisor witnessing concern.
 3. District Attorney's Office with jurisdiction over the investigation.
 4. Attorney General of the State of New Mexico's Office
 5. Federal Bureau of Investigation if a possible civil rights violation or breach of public trust violation exists.
- K. Personnel shall treat the investigations of the Task Force as confidential. Information regarding Task Force investigations shall be disseminated only to those for whom it is

intended in accordance with established department procedures. Failure to comply with this provision can result in immediate removal from participation in Task Force investigations.

- L. This agreement may be updated to coincide with election cycles or administration changes.

2. **INTERNAL AFFAIRS INVESTIGATION**

Nothing in this agreement shall prevent or limit any law enforcement agency from conducting a separate internal affairs investigation of officer-related situations or incidents. It is noted that this Task Force in no way is to be utilized as an internal affairs investigations unit. Each agency agrees to conduct its own administrative investigation utilizing proper personnel, separate and independent of the criminal investigation by the Task Force. At no time is the information obtained during the course of the internal investigation to be revealed to the Task Force investigators.

3. **REVIEW, REVISION AND TERMINATION OF MOA**

This MOA shall remain in effect unless or until it is terminated by the participating agencies. Any request to modify or revise this agreement must be done in writing and must be agreed to by each member's respective Chief of Police/Sheriff or designee. Any agency may terminate its participation in this MOA by written notification to all participating agencies.

4. **DISTRIBUTION OF PROPERTY OR SURPLUS FUNDS**

No property will be acquired as a result of the MOA. No surplus funds will be available as a result of this MOA as there are no funds that will be distributed.

5. **APPLICABLE LAW AND LIABILITY**

This MOA shall be governed by the laws of the State of New Mexico, and the parties shall comply with all applicable laws, ordinances and codes of the State. If a term of this agreement is inconsistent with such authority, then the term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect. As among the parties, each shall be solely responsible, only as permitted by law, for any liability arising from personal injury or damages to persons or property occasioned by its employees, officials or agents in performance of this MOA and each is subject to the immunities and limits of the New Mexico Tort Claims Act.

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IN WITNESS WHEREOF, the parties have executed this Agreement which becomes effective as of the date of approval by the Department of Finance and Administration.

Tim Johnson
TJS
 Mark Shea, Cabinet Secretary
 New Mexico Department of Public Safety

10/23/20
 Date

Robert Thornton
RT
 Tim O. Johnson, State Police Chief
 New Mexico Department of Public Safety

10-23-20
 Date

REVIEWED AS TO LEGAL SUFFICIENCY:

General Counsel
 New Mexico Department of Public Safety

Date

DocuSigned by:
Julie Morgas Baca

BBF25CA19A9043B...
 Julie Morgas Baca
 Bernalillo County Manager

10/15/2020
 Date

Manuel Gonzales III
 Manuel Gonzales III, Sheriff
 Bernalillo County Sheriff's Department

10/22/2020
 Date

REVIEWED AS TO LEGAL SUFFICIENCY:

DocuSigned by:
Natalia Sanchez Downey

7D0C3418E4AF455...
 Counsel
 Bernalillo County Legal Department

10/13/2020
 Date

APPENDIX 11

M. Reisen 4/19/2022 Albuquerque Journal Article Referencing Edited Video from BCSO

BCSO details fatal shooting in South Valley

BY MATTHEW REISEN / JOURNAL STAFF WRITER

PUBLISHED: TUESDAY, APRIL 19TH, 2022 AT 5:51PM

UPDATED: TUESDAY, APRIL 19TH, 2022 AT 9:32PM



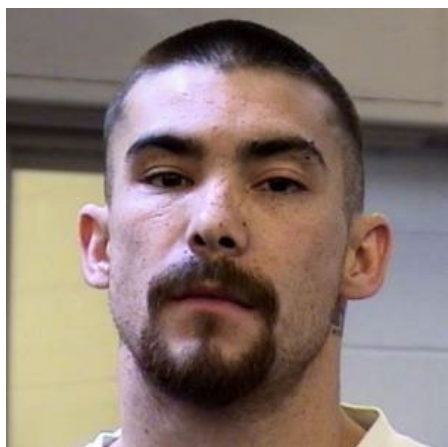
Bernalillo County deputies confront a man before a pursuit and fatal shooting on April 1 in the South Valley. (BCSO)

Copyright © 2022 Albuquerque Journal

Authorities say a 37-year-old wearing makeshift body armor was armed with three guns when he was shot to death by deputies during a lengthy standoff earlier this month in the South Valley.

Bernalillo County Sheriff's Office Capt. Nicholas Huffmyer said Tuesday that deputies Cutter Pryde, Alfred Duchaussee, Gustavo Araujo and Micah Barker, a longtime SWAT member with one prior shooting, exchanged gunfire with Taylor Crabb on April 1.

The incident began with a 911 call about people stripping a car, but Huffmyer couldn't say if Crabb had committed a crime prior to deputies' arrival. He said BCSO did not know where the convicted felon got the guns.



Taylor Crabb (BCSO)

It was the second time someone had fired at BCSO deputies in a five-day stretch and one of eight times local authorities have shot, or shot at, someone so far this year. Six of those shootings were fatal.

Sheriff Manuel Gonzales said the agency has "major concerns" about the uptick in violence toward his deputies.

"They couldn't believe this person stopped in the middle of the street, which isn't normal, and just started shooting at them," he said. "We're seeing a change in behavior of the criminal, which is emboldening these people if there's no consequences."

Huffmyer pointed out that, in 2012, Crabb was sentenced to 14 years in prison.

"You may be doing the math in your head and thinking 'well, we're still within that. Why is he out in the public?' And that's a great question that, unfortunately, our office can't answer," Huffmyer said, referring questions to the Department of Corrections.

DOC spokesman Eric Harrison said Crabb earned "good time," was paroled in Aug. 2020 and released in July 2021.

Less than a year later, he was shot by deputies.

Around 7 a.m., a woman reported an SUV being stripped on her property in the 200 block of Saavedra SW, near Isleta and Bridge. Lapel video showed deputies arrive 10 minutes later and Crabb got into a Cadillac.



A gun recovered at the scene after Bernalillo County deputies fatally shot a man following chase on April 1 in the South Valley. (BCSO)

A deputy pulled out a gun and Crabb rammed the other deputy's vehicle before driving away. The agency did not release full video of the incident, as is custom for other agencies, but edited segments showing various interactions with Crabb.

Huffmyer said this was done so as to not reveal "tactics used to immobilize" Crabb's car.

BCSO showed a timelapse of the pursuit, which reached 80 mph, and ended near Arenal and Lopez. Another video began when Crabb allegedly fired at BCSO and one deputy got out of his SUV as his gun jammed.

The deputy joined two others behind the SUV as he tried to reload, and Crabb can be heard firing another shot. A deputy yelled "driver, put your (expletive) hands up" before Duchaussee, Araujo and Pryde returned fire.

"We have one occupant inside the vehicle, unknown if hit, we are still taking fire," a deputy said into his radio.

Huffmyer said an hour and a half passed as SWAT was called and Crabb refused to surrender, rolling down the windows and smoking a cigarette.

Drone video, taken at 9:06 a.m., showed Crabb fire three shots into the window toward the drone and a home before Barker fired back several times.

Huffmyer said that, 45 minutes later, deputies found Crabb – who may have been hit by earlier gunfire – dead inside the car.

Also in the car were two pistols, one with an extended magazine, a sawed-off shotgun and drug paraphernalia. He said Crabb was wearing a bulletproof plate and fitness weight, apparently as body armor.

BCSO details fatal shooting in South Valley

APPENDIX 12

LETTER OF THANKS TO LEAGUE OF WOMEN VOTERS

Tommy Jewell (Dist. 3), Chair
 Debbie Strongin (AL), Vice Chair
 Debi Dodge (AL)
 Elena Giacci (AL)
 Dianne Layden (Dist. 5)



Joseph A. Lopez (Dist. 2)
 David Montoya (Dist. 1)
 W. James Stewart (Dist. 4)
 Michael Wismer (AL)

Sheriff's Office Advisory and Review Board

November 22, 2022

League of Women Voters of Central New Mexico
 Attn: Ms. Karen Wentworth
 6739 Academy Rd. NE
 Albuquerque, New Mexico

Dear Ms. Wentworth:

The Bernalillo County Sheriff's Office Advisory and Review Board (SOARB) extends to League of Women Voters of Central New Mexico (LWV) its gratitude for hosting a forum for Bernalillo County Sheriff's Office candidates on Zoom on October 27, 2022, in cooperation with the North Valley Coalition, the first such forum for BCSO Sheriff candidates.

LWV obtained the participation of all three candidates. The forum was superb in execution by the moderator and by the webinar operator. Excellent questions were selected and the question and answer process went smoothly throughout the hour-long program.

We extend special thanks to seven LWV members who were particularly responsible for the success of the forum: moderator Mary Smith, "wrangler" Steve Wentworth, webinar operator, Linda Miller, question sorters Michelle Meaders and Mary Templeton, timekeeper Stacy Thompson, and liaison to SOARB Karen Wentworth.

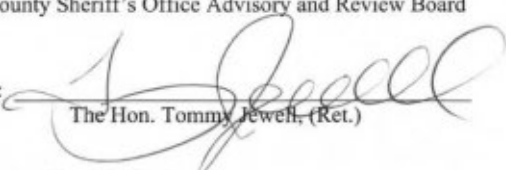
LWV performed a great service for the Bernalillo County community. The Sheriff plays a pivotal role in local law enforcement: he manages a department with over 300 deputies, plus civilian personnel, and a reported budget of some \$56 million dollars.

We hope LWV will consider hosting future Sheriff candidate's forums.

Very Truly Yours,

Bernalillo County Sheriff's Office Advisory and Review Board

By its Chair:


 The Hon. Tommy Jewell, (Ret.)

Cc: Peggy Norton, North Valley Coalition
 P. O. Box 70232
 Albuquerque, NM 87197

APPENDIX 13

“On Patrol: Live” Contracts between BCSO and Half Moon Pictures, LLC
Dated July 6, 2022, November 4, 2022, and September 2, 2022

July 6, 2022

Bernalillo County Sheriff's Office
400 Roma NW
Albuquerque, NM 87102
Attn: Sheriff Manuel Gonzales III

Re: "Unt. Law Enforcement Project" – Access Agreement

Ladies/Gentlemen:

This letter will confirm the agreement ("Agreement"), dated and with effect from July 6, 2022 (the "Effective Date"), between the Bernalillo County Sheriff's Office ("BCSO") and Half Moon Pictures, LLC ("Producer") with respect to Producer's documentary television series currently entitled "Unt. Law Enforcement Project" (the "Series"):

1. Term. The term of this Agreement ("Term") is the period commencing on the Effective Date and continuing through and including, July 5, 2023 (the "Initial Contract Year"). The parties shall have the right to extend the Term until, June 5, 2024 by mutual agreement ("Extended Term"). Upon the expiration of the Extended Term, the Agreement shall automatically renew for successive one (1) year periods (each an "Additional Extended Term"), unless either Party gives written notice of such Party's intent to terminate the Agreement no less than forty-five (45) days prior to the start of any Additional Extended Term. The Term, the Extended Term, and any Additional Extended Term may collectively be referred to herein as the Term. Notwithstanding the foregoing or anything to the contrary herein, either Party may terminate this Agreement at any time during the Term upon forty-five (45) days written notice to the other Party.
2. Access. During the Term, and any Extended Term, BCSO grants to Producer and its production personnel permission to access BCSO's offices, buildings, property, facilities and vehicles utilized by and/or in connection with BCSO (including, but not limited to, stations or precincts [or the equivalent], offices, patrol cars or other vehicles) (collectively, "BCSO Property") in addition to permission to accompany BCSO officers, deputies, employees or other personnel (collectively "BCSO Personnel") during the course of their duties or otherwise, and the right to film, videotape, photograph and record (via audio, video or audio/video) (collectively "Recordings"), the BCSO Personnel, and their actions, names, likenesses, appearances, and voices and the situations they encounter and/or become involved in, as well as all or any part of the exterior and interior and contents of BCSO Property, including names, signs and identifying insignia of BCSO in connection with production, exploitation and exhibition of the Series, related series, or derivative works and the marketing, advertising, promotion and publicity thereof, inclusive of the right to use the Recordings throughout the Universe in perpetuity, in any and all media now known or hereafter devised. BCSO reserves the right to limit access to BCSO Property or BCSO Personnel as it deems necessary. BCSO further agrees that Producer shall be entitled to return to BCSO Property post-Term at a mutually acceptable date and time, if and as required in connection with the Series. Producer and BCSO will work together in good faith to determine which BCSO Personnel have consented to be filmed in connection with the Series.
3. Conduct: BCSO Personnel shall conduct themselves pursuant to BCSO policies governing on and off duty conduct. BCSO Personnel shall not make any law enforcement decisions, or take or not take, any law enforcement action due to the presence of Producer personnel in relation to the Series, and Producer shall be expressly prohibited from requesting BCSO Personnel make any law enforcement decisions, or take or not take, any law enforcement action due to Producer's presence or in relation to the Series. BCSO Personnel and Producer personnel shall not become engaged in any personal relationships. BCSO shall not use their participation in the Series in a commercial manner.

4. License. BCSO licenses to Producer and its successors, subsidiaries, licensees and assigns, the right to photograph, record, reproduce and otherwise use BCSO Property names, images, trademarks, service marks, tradenames, logos, copyrighted material and/or other BCSO-owned materials to which Producer is afforded access hereunder in and in connection with the development, production, exhibition, exploitation, and promotion of the Series, related series or derivative works, and the marketing, advertising, promotion, and publicity thereof and/or otherwise, throughout the Universe in perpetuity, in any and all media now known or hereafter devised.
5. Exclusivity. Until the expiration of the Term, Extended Term or Additional Extended Term (as applicable): (a) the rights of access and license granted by BCSO pursuant to paragraphs 2 and 3 above, respectively, shall be exclusive to Producer with respect to "Live" or "Almost Live" long-form programming produced for exhibition by means of television, the Internet and/or any other audio-visual media (whether now known or hereafter invented), excluding news programming and programming covering the activities of BCSO produced by or on behalf of BCSO for exhibition on BCSO's website or BCSO social media (collectively, "Permitted Programming"); and (b) BCSO shall not authorize anyone (other than Producer) to develop and/or produce programming of a similar format or concept that depicts the activities of BCSO in any audio-visual media, except for Permitted Programming.
6. Safety / Security Review. Producer will provide BCSO with twenty-four (24) hours to review and comment on any pre-recorded segments of the Series featuring BCSO Property or BCSO Personnel for the sole purpose of identifying any safety or security risks to BCSO (e.g., recognition of a confidential informant, undercover officer, how specific tactics are deployed). If no comments are received by Producer following such twenty-four (24) hour period, the segments will be deemed reviewed by BCSO. For live segments, Producer shall provide a BCSO representative digital access to a live feed from the BCSO cameras in the field solely for the purpose of identifying such safety or security risks to BCSO. In both instances, BCSO shall have the limited and specific right to review the content solely for factual accuracy and security and/or safety risks to BCSO and BCSO Personnel, provided that it is understood that Producer and any television network for which Producer is producing the Series (the "Network") shall, in their sole discretion, make the final decision regarding the content and editorial decisions for the Series and each episode thereof.
7. Ownership. All film, videotape, still photographs and other visual and/or audio recordings or representations (e.g., studios sets or designs) of BCSO Property or BCSO Personnel created by or with the authorization of Producer are collectively referred to herein as the "Material". Producer shall be the sole and exclusive owner of the Material with the right for the full period of copyright, including all extensions and renewals thereof, and thereafter in perpetuity, throughout the universe, to use and re-use, an unlimited number of times, all or any part of the Material for the purpose of making and producing television programs and other works, and advertising, publicizing and exploiting the same, by all means and in all media, whether now known or hereafter devised, and to authorize others so to do. Neither BCSO, nor any employee of BCSO, nor any other party now or hereafter having an interest in BCSO Property or BCSO Personnel, shall have any right of action against Producer or any other party arising out of any use of said Material. Neither the expiration of this Agreement in its normal course nor its sooner termination for any reason shall affect the ownership by Producer of the Material.
8. Material Retention: BCSO and Producer acknowledge that raw (e.g. unaired) footage of the Material ("Raw Footage") is generally not retained by Producer in the course of production of the Series for a period exceeding thirty (30) days. It is acknowledged Producer is a member of the news media and Material are being recorded for purposes of newsgathering in relation to the Series.
9. Release of Material: Any party (e.g. prosecutors, law enforcement agencies, defense counsel, plaintiff's counsel, etc.) may attempt to subpoena Material from the Series, and in the event the requested Material exists, all such

requests shall be treated equally without regard to the status of the requesting party (e.g. a request by the defense counsel shall receive the same consideration as a request from a prosecutor's office). No representations or warranties are made hereunder that Material will be provided except if required by a final and binding court order from a court of competent jurisdiction. Under no circumstances should BCSO or its representatives construe this agreement as Producer serving as an extension of BCSO for the purpose of obtaining additional audio/visual evidence in any matter in which Producer is present.

10. Credit. BCSO acknowledges that any credits or other identification of BCSO that Producer may furnish in connection with the Series or otherwise shall be at Producer's sole discretion. Notwithstanding the foregoing, Producer agrees to accord BCSO an on-screen credit in substantially the form "Special Thanks to the Bernalillo County Sheriff's Office" in accordance with the Network's then-current credit policies, for all Series episodes in which BCSO personnel and activities are depicted. Producer shall determine the size, position, manner of presentation and all other matters with respect to such credit in its sole discretion. No casual or inadvertent failure by Producer, nor any failure by any third party, to accord such credit shall be deemed a breach of this Agreement by Producer.
11. No Obligation to Proceed. BCSO acknowledges and agrees that Producer is not obligated to actually access BCSO Property or produce the Series or include the Material in the episode of the Series for which it was prepared or otherwise exercise any or all of Producer's rights hereunder.
12. No partnership. It is expressly understood and agreed that Producer's role in the Series is that of a neutral third-party documenting law enforcement activity. The parties do not by this Agreement intend to form an employment relationship or a partnership or joint venture between them and in no event shall this Agreement be construed to constitute such an employment relationship, partnership or joint venture. BCSO and BCSO Personnel shall at all times continue to independently conduct their operations and activities as they customarily operate, without regard to, or as a result of, the filming, recording and production of the Series. BCSO shall not make any requests to any party it encounters on behalf of Producer.

Producer and BCSO further acknowledge and agree that the parties are fully independent of one another and not collaborating in any capacity hereunder in connection with the Series or any law enforcement activities that occur while Producer is documenting the activities of BCSO or otherwise. In connection with the Series or as otherwise set forth hereunder, Producer shall not willfully participate in any joint activity with BCSO and Producer has not and will not render any services hereunder under the color of any statute, ordinance, regulation, custom or usage of any State or Territory, or under the authority of BCSO in any capacity, as governed by 42 U.S.C. § 1983 or otherwise, and BCSO will not request Producer's participation in any joint activity or services, with or on behalf of, BCSO.

13. Insurance. Producer will obtain and keep in force during production of the Series with BCSO a policy of commercial general liability insurance naming BCSO as an additional insured entity in a minimum amount of \$1,000,000 and provide proof thereof to BCSO prior to the commencement of production.
14. Indemnification. Except as arising out of or in connection with BCSO's negligence or willful misconduct, Producer agrees to defend, indemnify and hold harmless BCSO from and against any and all third party liabilities, third party claims, costs, damages, losses, or judgments arising out of or in connection with the development, production, distribution, or other exploitation of the Series. BCSO agrees that Producer shall have the sole right to control the legal defense against any claims, demands or litigation, including the right to select counsel of its choice and to compromise or settle any such claims, demands or litigation.

15. Governing Law and Venue. This Agreement and any claim or dispute relating in any way to the activities under this Agreement, shall be governed by and construed in accordance with the substantive laws of the State of New Mexico, without regard to the conflict of law provisions thereof. Venue for any action or suit arising under or relative to this Agreement or brought to interpret or enforce this Agreement shall lie exclusively in the appropriate state or federal court situated in Bernalillo County, New Mexico and the parties submit to the in personam jurisdiction thereof and waive any objections they may have as to jurisdiction or venue in any such courts.
16. Notice. Any notices or communications required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed delivered by one party to another party when personally delivered to them or placed in a depository under the control of the United States Postal Service and mailed by certified or registered mail, return receipt requested, postage prepaid, addressed to:

If to BCSO:

Bernalillo County Sheriff's Office
400 Roma NW
Albuquerque, NM 87102
Attn: Sheriff Manuel Gonzales III

If to Producer:

Half Moon Pictures, LLC
c/o 101 Hudson St, 40th Floor
Jersey City, NJ 07302
Attention: Rocky Bronzino

With a courtesy copy to:

Del Shaw Moonves Tanaka Finkelstein Lezcano Bobb & Dang
209 Century Park East, Suite 1750
Los Angeles, CA 90067
Attn: Half Moon Pictures

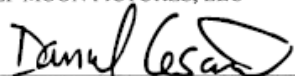
17. Miscellaneous. Each of the individuals signing this Agreement below represents that such individual is empowered to execute this Agreement on behalf of the party for which such individual is acting. Producer may assign its rights under this Agreement in whole or in part to any person, firm, or corporation related to the production, distribution or exploitation of the Series. BCSO shall not be permitted to assign or delegate any of rights or obligations under this Agreement. The parties acknowledge that BCSO is subject to New Mexico Public Records Law, and, as such, municipal records may be subject to inspection and copying by any person unless excepted by law. Except if required by law, which may include such public records laws or statutes, BCSO shall at all times keep the terms of this Agreement confidential. Notwithstanding the foregoing, although Producer believes this Agreement to be a Producer trade secret and confidential commercial information, compliance with any applicable public records statute shall not be deemed a violation of this Agreement. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument. Any executed counterpart sent by facsimile or transmitted electronically in Portable Document Format ("PDF") shall be treated as originals, fully binding and with full legal force and effect, and the parties waive any rights they may have to object to such treatment. In the event that any provision hereof shall be deemed invalid or unenforceable due to any law, said provision shall be modified to the minimum extent necessary to effect compliance with such law, and in any event such invalidity or unenforceability shall have no effect upon the remaining terms and condition hereof. This Agreement contains the entire understanding of the parties hereto

relating to the subject matter herein, supersedes and replaces all prior understandings and agreements concerning such subject matter, whether written or oral, and cannot be modified except in writing signed by the parties.

If the foregoing complies with your understanding of our agreement, please so signify by countersigning this letter where indicated below.

Very truly yours,

HALF MOON PICTURES, LLC

By: 
Daniel Cesareo, President

ACKNOWLEDGED AND AGREED: BERNALILLO

COUNTY SHERIFF'S OFFICE

By: 
Manuel Gonzales III

Its: Sheriff 7/8/2022

November 4, 2022

Bernalillo County Sheriff's Office
400 Roma NW
Albuquerque, NM 87102
Attn: Sheriff Manuel Gonzalez III

Re: "Unt. Law Enforcement Project" – Access Agreement

Ladies/Gentlemen:

This letter will confirm the agreement ("Agreement"), dated and with effect from November 4, 2022 (the "Effective Date"), between Bernalillo County and the participation thereon of the Bernalillo County Sheriff's Office ("BCSO") and Half Moon Pictures, LLC ("Producer") with respect to Producer's documentary television series currently entitled "Unt. Law Enforcement Project" (the "Series"):

1. Term. The term of this Agreement ("Term") is the period commencing on the Effective Date and continuing through and including, December 31, 2022 (the "Initial Contract Year"). Notwithstanding the foregoing or anything to the contrary herein, either Party may terminate this Agreement at any time during the Term upon fifteen (15) days written notice to the other Party.
2. Access. During the Term, BCSO has granted and continues to grant to Producer and its production personnel: (i) permission to access BCSO's offices, buildings, property, facilities and vehicles utilized by and/or in connection with BCSO (including, but not limited to, stations or precincts [or the equivalent], offices, patrol cars or other vehicles) (collectively, "BCSO Property"); (ii) permission to accompany BCSO officers, deputies, employees or other personnel (collectively "BCSO Personnel") during the course of their duties or otherwise; and (iii) the right to film, videotape, photograph and record (via audio, video or audio/video) (collectively "Recordings"), the BCSO Personnel, and their actions, names, likenesses, appearances, and voices and the situations they encounter and/or become involved in, as well as all or any part of the exterior and interior and contents of BCSO Property, including names, signs and identifying insignia of BCSO in connection with production, exploitation and exhibition of the Series, related series, or derivative works and the marketing, advertising, promotion and publicity thereof, inclusive of the right to use the Recordings throughout the Universe in perpetuity, in any and all media now known or hereafter devised. BCSO reserves the right to limit access to BCSO Property or BCSO Personnel as it deems necessary. BCSO further agrees that Producer shall be entitled to return to BCSO Property post-Term at a mutually acceptable date and time, if and as required in connection with the Series. Producer and BCSO will work together in good faith to determine which BCSO Personnel have consented to be filmed in connection with the Series.
3. Conduct. BCSO Personnel shall conduct themselves pursuant to BCSO policies governing on and off duty conduct. BCSO Personnel shall not make any law enforcement decisions, or take or not take, any law enforcement action due to the presence of Producer personnel in relation to the Series, and Producer shall be expressly prohibited from requesting BCSO Personnel make any law enforcement decisions, or take or not take, any law enforcement action due to Producer's presence or in relation to the Series. BCSO Personnel and Producer personnel shall not become engaged in any personal relationships. BCSO shall not use their participation in the Series in a commercial manner.
4. License. BCSO licenses to Producer and its successors, subsidiaries, licensees and assigns, the right to photograph, record, reproduce and otherwise use BCSO Property names, images, trademarks, service marks, tradenames, logos, copyrighted material and/or other BCSO-owned materials to which Producer is afforded access hereunder in and in connection with the development, production, exhibition, exploitation, and promotion of the Series, related series or

derivative works, and the marketing, advertising, promotion, and publicity thereof and/or otherwise, throughout the Universe in perpetuity, in any and all media now known or hereafter devised.

5. Exclusivity. Until the expiration of the Term: (a) the rights of access and license granted by BCSO pursuant to paragraphs 2 and 3 above, respectively, shall be exclusive to Producer with respect to "Live" or "Almost Live" long-form programming produced for exhibition by means of television, the Internet and/or any other audio-visual media (whether now known or hereafter invented), excluding news programming and programming covering the activities of BCSO produced by or on behalf of BCSO for exhibition on BCSO's website or BCSO social media (collectively, "Permitted Programming"); and (b) BCSO shall not authorize anyone (other than Producer) to develop and/or produce programming of a similar format or concept that depicts the activities of BCSO in any audio-visual media, except for Permitted Programming.
6. Safety / Security Review. Producer will provide BCSO with twenty-four (24) hours to review and comment on any pre-recorded segments of the Series featuring BCSO Property or BCSO Personnel for the sole purpose of identifying any safety or security risks to BCSO (e.g., recognition of a confidential informant, undercover officer, how specific tactics are deployed). If no comments are received by Producer following such twenty-four (24) hour period, the segments will be deemed reviewed by BCSO. For live segments, Producer shall provide a BCSO representative digital access to a live feed from the BCSO cameras in the field solely for the purpose of identifying such safety or security risks to BCSO. In both instances, BCSO shall have the limited and specific right to review the content solely for factual accuracy and security and/or safety risks to BCSO and BCSO Personnel, provided that it is understood that Producer and any television network for which Producer is producing the Series (the "Network") shall, in their sole discretion, make the final decision regarding the content and editorial decisions for the Series and each episode thereof.
7. Ownership. All film, videotape, still photographs and other visual and/or audio recordings or representations (e.g., studios sets or designs) of BCSO Property or BCSO Personnel created by or with the authorization of Producer are collectively referred to herein as the "Material". Producer shall be the sole and exclusive owner of the Material with the right for the full period of copyright, including all extensions and renewals thereof, and thereafter in perpetuity, throughout the universe, to use and re-use, an unlimited number of times, all or any part of the Material for the purpose of making and producing television programs and other works, and advertising, publicizing and exploiting the same, by all means and in all media, whether now known or hereafter devised, and to authorize others so to do. Neither BCSO, nor any employee of BCSO, nor any other party now or hereafter having an interest in BCSO Property or BCSO Personnel, shall have any right of action against Producer or any other party arising out of any use of said Material. Neither the expiration of this Agreement in its normal course nor its sooner termination for any reason shall affect the ownership by Producer of the Material.
8. Material Retention: BCSO and Producer acknowledge that raw (e.g. unaired) footage of the Material ("Raw Footage") is generally not retained by Producer in the course of production of the Series for a period exceeding thirty (30) days. It is acknowledged Producer is a member of the news media and Material are being recorded for purposes of newsgathering in relation to the Series.
9. Release of Material: Any party (e.g. prosecutors, law enforcement agencies, defense counsel, plaintiff's counsel, etc.) may attempt to subpoena Material from the Series, and in the event the requested Material exists, all such requests shall be treated equally without regard to the status of the requesting party (e.g. a request by the defense counsel shall receive the same consideration as a request from a prosecutor's office). No representations or warranties are made hereunder that Material will be provided except if required by a final and binding court order from a court of competent jurisdiction. Under no circumstances should BCSO or its representatives construe this agreement as Producer serving as an extension of BCSO for the purpose of obtaining additional audio/visual evidence in any matter in which Producer is present.

Business Automobile Liability Insurance shall include coverage for the use of all owned, non-owned and hired automobiles and vehicles.

Independent Contractors: Included

Contractual Liability: Included in Commercial General Liability

Umbrella	\$5,000,000 Each Occurrence
	\$5,000,000 General Aggregate

14. Indemnification. Except as arising out of or in connection with BCSO's negligence or willful misconduct, Producer agrees to defend, indemnify and hold harmless BCSO from and against any and all third party liabilities, third party claims, costs, damages, losses, or judgments arising out of or in connection with the development, production, distribution, or other exploitation of the Series. BCSO agrees that Producer shall have the sole right to control the legal defense against any claims, demands or litigation, including the right to select counsel of its choice and to compromise or settle any such claims, demands or litigation. Notwithstanding the foregoing, no such compromise, settlement or other agreement shall be finalized, entered into or effective without the prior written consent of BCSO, if such compromise, settlement or other agreement includes an admission of liability on behalf of or by the BCSO
15. Governing Law and Venue. This Agreement and any claim or dispute relating in any way to the activities under this Agreement, shall be governed by and construed in accordance with the substantive laws of the State of New Mexico, without regard to the conflict of law provisions thereof. Venue for any action or suit arising under or relative to this Agreement or brought to interpret or enforce this Agreement shall lie exclusively in the appropriate state or federal court situated in Bernalillo County, New Mexico and the parties submit to the in personam jurisdiction thereof and waive any objections they may have as to jurisdiction or venue in any such courts.
16. Notice. Any notices or communications required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed delivered by one party to another party when personally delivered to them or placed in a depository under the control of the United States Postal Service and mailed by certified or registered mail, return receipt requested, postage prepaid, addressed to:

If to BCSO:

Bernalillo County Sheriff's Office
400 Roma NW
Albuquerque, NM 87102
Attn: Sheriff Manuel Gonzalez III

If to Producer:

Half Moon Pictures, LLC
c/o 101 Hudson St, 40th Floor
Jersey City, NJ 07302
Attention: Rocky Bronzino

With a courtesy copy to:

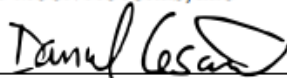
Del Shaw Moonves Tanaka Finkelstein Lezcano Bobb & Dang
2029 Century Park East, Suite 1750
Los Angeles, CA 90067
Attn: Half Moon Pictures

17. Miscellaneous. Each of the individuals signing this Agreement below represents that such individual is empowered to execute this Agreement on behalf of the party for which such individual is acting. Producer may assign its rights under this Agreement in whole or in part to any person, firm, or corporation related to the production, distribution or exploitation of the Series. BCSO shall not be permitted to assign or delegate any of rights or obligations under this Agreement. The parties acknowledge that BCSO is subject to New Mexico Public Records Law, and, as such, municipal records may be subject to inspection and copying by any person unless excepted by law. Except if required by law or county ordinance, including, without limitation, Ordinance Number 2012-25, Section 2.1 and 2.2, BCSO shall otherwise keep the terms of this Agreement confidential. Notwithstanding the foregoing, although Producer believes this Agreement to be a Producer trade secret and confidential commercial information, compliance with any applicable public records statutes and ordinances shall not be deemed a violation of this Agreement. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument. Any executed counterpart sent by facsimile or transmitted electronically in Portable Document Format ("PDF") shall be treated as originals, fully binding and with full legal force and effect, and the parties waive any rights they may have to object to such treatment. In the event that any provision hereof shall be deemed invalid or unenforceable due to any law, said provision shall be modified to the minimum extent necessary to effect compliance with such law, and in any event such invalidity or unenforceability shall have no effect upon the remaining terms and condition hereof. This Agreement contains the entire understanding of the parties hereto relating to the subject matter herein, and once executed supersedes and replaces all prior understandings and agreements concerning such subject matter, whether written or oral, and cannot be modified except in writing signed by the parties.

If the foregoing complies with your understanding of our agreement, please so signify by countersigning this letter where indicated below.


Very truly yours,

HALF MOON PICTURES, LLC

By: 
Daniel Cesareo, President

ACKNOWLEDGED AND AGREED:

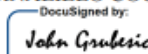
BERNALILLO COUNTY

By:  11/9/2022
BKF25CA10A00438
Julie Morgas Baca, County Manager

Its: _____

APPROVED AS TO FORM:

BERNALILLO COUNTY LEGAL

By:  11/8/2022
00A0DE2F740B495
John Grubestic, Lead Attorney

September 2, 2022

VIA EMAIL

Bernalillo County Sheriff's Office
400 Roma NW
Albuquerque, NM 87102
Attn: Sheriff Manuel Gonzales III

RE: "UNT LAW ENFORCEMENT PROJECT" – Access Agreement Acknowledgment – Insignia License Fee – Bernalillo County Sheriff's Office

Dear Sheriff Gonzales,


Reference is hereby made to the agreement dated as of July 6, 2022 (the "Agreement"), between Half Moon Pictures, LLC ("Producer") and the Bernalillo County Sheriff's Office ("BCSO"), in connection with the project currently titled "Unt. Law Enforcement Project" ("Series"). All capitalized terms used herein, but not defined, shall have the same meaning as set forth in the Agreement.

In consideration of the rights granted by BCSO in and to any trademarks, service marks, tradenames, logos, copyrighted materials and/or other materials owned or controlled by BCSO which BCSO grants to Producer for use in and in connection with the Series ("BCSO Marks"), Producer shall pay BCSO an all-inclusive license fee of One Thousand Dollars (\$1,000) (the "License Fee"), for each week in which BCSO Marks are featured in the initial broadcast of one or more of the original live episodes of the Series for such applicable week (if any) and in which the Marks were filmed during the course of such live episode. Notwithstanding the foregoing or anything to the contrary herein, there shall be no fee or additional fee (as/if applicable) for: (i) BCSO Marks included only in pre-packaged or pre-taped elements of the Series; (ii) the inclusion of the BCSO Marks in any derivative production of the Series; (iii) repeat broadcast of any episode(s) in which the BCSO Marks may appear; and (iv) BCSO Marks included in the show open, cold-open, any flush backs, fast forwards, "next on" and/or "previously on" content, main title sequence or end credits. It is acknowledged and agreed that the foregoing consideration shall be in full discharge of Producer obligations in connection with the license of BCSO Marks, and there shall not be multiple License Fee payments per week.

Except as expressly provided by this acknowledgment, the Agreement is not otherwise modified in any respect and, except as expressly provided for herein, the Agreement is hereby ratified and confirmed in all respects.

Best regards,

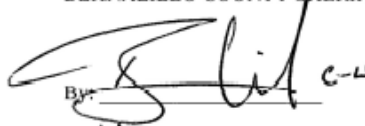
HALF MOON PICTURES, LLC

By: 

Its: President

Dated: 9/12/22

BERNALILLO COUNTY SHERIFF'S OFFICE

By:  C-4

Its: UNDERSHERIFF

Dated: 9/2/2022

APPENDIX 14

**Representative Excerpt from BCSO Training Materials
on Duty to Intervene**

Use of Force Refresher Bernalillo County Sheriff's Department Lesson Plan

XIII. Duty to Intervene/Failure to Intervene

- 1) The community expects that its peace officers will use reasonable force, and peace officers will intervene if reasonable force is exceeded. For the community and the officer's protection, the officer must know the laws pertaining to intervention.
- 2) This intervention may take the form of one or more of the following actions:
 - a) strongly caution the other officer
 - b) physically restrain the other officer
 - c) immediately report the incident
- 3) **Intervention** is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.
- 4) The United States Constitution protects individuals from unlawful actions of peace officers.

NOTE: The officer who fails to intervene, for whatever reason, is also held accountable by the United States Code.

- 5) Intervention is necessary because:
 - a) it is required by law
 - b) it is morally and ethically correct
 - c) personal integrity demands it
 - d) it enhances officer safety
 - e) it preserves professionalism and supports the law enforcement mission
 - f) it strengthens public confidence in the law enforcement profession and the individual agency involved
 - g) it reduces personal and agency liability because it results in fewer:
 - I. physical injuries arising from unreasonable force
 - II. disciplinary actions and personal complaints
 - III. criminal complaints filed against officers
 - IV. civil liability suits, including fewer punitive financial judgments against individual officers

6) Video Response to Resistance Incidents (Actual and Simulated Training Videos):
Class Review and Analysis

- a) <http://blutube.policeone.com/videos/1000931420001-what-force-option-would-you-use-in-this-situation-4/> DWI/SUSPENDED LICENSE
- b) <http://blutube.policeone.com/videos/1000922919001-what-force-option-would-you-use-in-this-situation-1/> SUBJECT IN LOBBY
- c) <http://blutube.policeone.com/videos/1000919568001-what-force-option-would-you-use-in-this-situation-7/> SUBJECT W/WARRANT FOR ASSAULT ON A FEMALE
- d) <http://blutube.policeone.com/videos/1000931422001-what-force-option-would-you-use-in-this-situation-6/> POSSIBLE MENTAL SUBJECT
- e)]
- f) <http://blutube.policeone.com/videos/4095875348001-knifewielding-man-tells-nm-cops-shoot-me/>
- g) <http://blutube.policeone.com/use-of-force-videos/1995382682001-officer-pepper-sprays-outofcontrol-teen/>
- h) <https://www.youtube.com/watch?v=jcLsUcsDEGA&feature=youtu.be&list=PL5y0uA-XbTYrSWvc6JI3dCFL3tWrn-fJD> UNRULY SUBJECT RESISTING ARREST?
- i) <https://www.youtube.com/watch?v=GXF3hf87emk> CHP ARREST

APPENDIX 15

EVOLVING DEFINITION OF “DUTY TO INTERVENE”



Peer Bystander Intervention in Law Enforcement Agencies

Benefits

Peer bystander intervention policies and practices can benefit police organizations by supporting their mission, vision and professionalism, and enhance their relationship with the communities they serve. As peer bystander intervention becomes an ingrained part of a department's culture, benefits may include fewer citizen complaints, fewer instances of misconduct, a decrease in the use of excessive force, an increase in officer safety and wellness, fewer disciplinary issues, increased retention of employees, and increased trust from the community.

There are many reasons officers do not intervene when they see or are aware of misconduct, some of these reasons include belief that loyalty means supporting a colleague's actions regardless of whether they are right or wrong, a fear of retaliation and backlash from peers, detriment to one's career, or the desire to not get involved. Peer bystander intervention encourages officers to recognize that stepping into a situation when a peer is about to make a mistake benefits them and everyone involved.

Peer Intervention Policies and Organizational Culture

Implementing a standalone "Duty to Intervene" policy separate from an agency's use-of-force policy communicates that this is a priority for an agency's leadership. An effective policy states that officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required. The "Duty to Intervene" policy should also include a clause prohibiting retaliation or at least be associated with the agency's Duty to Report Misconduct/ Whistleblower Protection policy.

However, policy alone cannot be effective unless it is backed by an organizational culture where peer intervention is actively encouraged and rewarded. The foundation of peer bystander intervention for police is that officers can have a powerful and positive impact on the actions of their fellow officers. An agency culture that supports peer intervention means that officers are empowered to speak up, regardless of rank, to let a colleague know that they are about to make a mistake that could impact the officer, their family, their career,

the agency's relationship with the community, and the community itself. It is important that agency leadership clearly communicates this message and that it is enforced throughout all ranks.

Training

Law enforcement is not the only field in which peer bystander intervention is encouraged. Hospitals, airlines, and corporations also have peer intervention training and policies in place to reduce misconduct. Additionally, peer bystander intervention strategies are used to reduce drunk driving, sexual misconduct, and bullying.

Training should focus on reducing the inhibitors that individuals have to intervening, which includes bolstering their confidence in their skills and ability to do so. Training should include role-play scenarios that enable officers to practice how they would intervene in a wide range of situations. The New Orleans, LA, Police Department's [Ethical Policing is Courageous \(EPIC\)](#) training program materials are available for use by any law enforcement agency.

The Five Stages of Intervention

Stage One – See the Problem

While some situations are obvious, others might be more subtle. It is important to know that even the most subtle of behaviors require early intervention to mitigate escalation.

Stage Two – Determine Whether Action Is Required

Some problematic situations might simply require acknowledgement, but many will necessitate intervention. Determining that action is needed is often based on the situation and should be clearly delineated by the agency.

Stage Three – Decide to Take Personal Responsibility to Act

As someone sworn to protect the community, taking on personal responsibility to act is not only expected, it is one of the many duties of the role. Departmental Duty to Intervene policies should also be considered when deciding to act.



Peer Bystander Intervention in Law Enforcement Agencies

Stage Four – Determine How to Intervene

Although intervention actions depend on the specific situation, officers can actively intervene when a colleague is engaging in misconduct by using one or more of the “3 D’s”:

- **Distract** – Redirect the individual’s attention.
Example(s): redirecting the conversation; using tactics to de-escalate the situation.
- **Direct** – Address the misconduct directly and step in to intervene; depending on the relative rank of the officer engaging in misconduct, this may include giving them direct commands to cease the behavior.
Example(s): Professionally confront peers, physically step in to stop use-of-force or misconduct, call out problematic statements, request a supervisor of greater rank than the officer involved respond to the scene, give orders to cease behavior (when appropriate).
- **Delegate** – Appoint someone else to take an action.
Example(s): Tell another officer present to help the officer hold the suspect in a better way; tell another officer present to call for medical back-up if the suspect appears to need medical assistance, instruct another officer to request that a supervisor of greater rank than the officer involved respond to the scene.

How to intervene with a superior:

- **Present solutions, not problems:** Suggest an alternative way of succeeding.
- **Support the department’s mission, vision and professionalism:** Connect your concerns back to supporting the department’s success. It shows a commitment to the profession and to the community.
- **Have their back:** Let them know when something might reflect poorly on them and demonstrate that you are interested in supporting their career as well as your own.

Stage Five – Take Action

Sometimes a situation clearly requires action and it is your obligation to do so.

Legal Duty to Intervene

Law enforcement officials have a legal duty to intervene on behalf of a citizen whose rights are being violated.

In cases where law enforcement officials do not intercede with their fellow officers to ensure citizens’ rights are being protected, they are liable under [Section 1983](#) of the Civil Rights Act of 1871. According to “[Section 1983 Litigation](#)”, Section 1983 applies to situations such as unjustifiable arrests, excessive force by a fellow officer, and any constitutional violation by a law enforcement official. If an officer does not act to intervene in a situation where a fellow law enforcement official is engaging in misconduct they can face serious consequences for themselves and their career.

Finally, encourage, support, and equip officers to intervene. This will help prevent potential misconduct and ensure high-quality policing in your department. The officer, department, and community all benefit when potential misconduct is stopped.

IACP Resources

- A. IACP [Community-Police Engagement Page](#)
- B. IACP [Policy Framework for Improved Community-Police Engagement](#)
- C. IACP [Law Enforcement Policy Resource Center](#)
- D. IACP Model Policy: [Standards of Conduct](#)
- E. IACP Model Policy: [Retaliatory Conduct by Employees](#)

Jury Finds Three Former Officers Guilty of Depriving George Floyd's Civil Rights
Feb. 24, 2022, 2:47 PM MST / Updated Feb. 25, 2022, 5:30 AM MST
By Daniella Silva, NBC News

Three former Minneapolis police officers were found guilty on Thursday of violating the civil rights of George Floyd, the Black man whose death at the hands of police in 2020 spurred protests against systemic racism around the world.

The former officers, J. Alexander Kueng, Thomas Lane and Tou Thao, all were convicted of depriving Floyd of his civil rights while acting under government authority when they failed to give him medical aid. Kueng and Thao, additionally, were convicted of not intervening to stop their fellow officer Derek Chauvin from using excessive force.

Thao, Kueng and Lane each face up to life in prison, although such a severe punishment is unlikely. The men are scheduled for trial in June on state charges of aiding and abetting murder and manslaughter.

“This is just accountability. It can never be justice because I can never get George back,” Floyd’s brother Philonise Floyd said at a news conference Thursday afternoon. “And no matter how many times that I pray at night and I think about my brother 24/7, it still is going to be hard.”

The jury began deliberating Wednesday morning after a monthlong trial.

In closing arguments, prosecutors said the defendants had “front-row seats” to Floyd’s murder and “chose to do nothing” to help him while Chauvin knelt on Floyd’s neck for 9 ½ minutes. “They chose not to aid George Floyd as the window into which Mr. Floyd’s life could have been saved slammed shut,” Assistant U.S. Attorney Manda Sertich said Tuesday.

Defense attorneys argued that the men did not receive adequate training and that they relied on Chauvin as the most experienced officer on the scene. “These officers tried to devise any excuse that could let them wash the blood from their hands, but following these verdicts George’s blood will forever stain them,” Ben Crump and other attorneys representing Floyd’s family said in a statement after the verdict was announced. *“Today’s guilty verdicts should serve as the guiding example of why police departments across America should expand and prioritize instruction on an officer’s duty to intervene and recognize when a fellow officer is using excessive force.” [ital. added]*

The officers had responded to a call about a counterfeit bill from a convenience store in Minneapolis’ Powderhorn Park neighborhood when they encountered Floyd, 46, on May 25, 2020. Lane and Kueng, both rookie officers and partners on the call, were on top of Floyd as Chauvin applied deadly pressure to Floyd’s neck and he gasped for air. Thao had been in charge of crowd control. Sertich said Thao argued with and belittled the crowd that was pleading with him to help Floyd, who was dying. Kueng casually picked gravel out of a police car tire and joined as Chauvin mocked Floyd, she said. Lane voiced concern that Floyd should be turned on his side but did nothing else to give him much needed medical aid, she said.

In closing arguments, Robert Paule, a defense attorney for Thao, said Floyd’s death was a tragedy but that “just because something has a tragic ending does not mean it’s a crime.”

Kueng's attorney, Thomas Plunkett, said his client was confident in Chauvin and had received training from the police department that "was inadequate to help him see, perceive and understand what was happening here."

Earl Gray, an attorney for Lane, the only one of the three officers not charged with failing to intervene to stop Chauvin from using excessive force, said Lane was "concerned" for Floyd and suggested turning him on his side but was ignored by Chauvin.

Lane also assisted paramedics, Gray told jurors in his closing argument. "These officers had a moral responsibility, a legal obligation and a duty to intervene and by failing to do so they committed a crime," acting U.S. Attorney Charles Kovats said after the verdict was announced. "This is a reminder that all sworn law enforcement officers, regardless of rank or seniority, individually and independently, have a duty to intervene and provide medical aid to those in their custody."

All three officers testified during the trial, the first time they had made public comments about the case since Floyd was killed May 25, 2020. Lane, the third officer to testify, choked back tears while testifying that he tried to assist paramedics after he was unable to locate Floyd's pulse. Lane said he did chest compressions on Floyd when the paramedics arrived and prepared to load him into an ambulance and that he offered to ride with them to the hospital. He said he twice asked whether Floyd should be rolled onto his side but was rebuffed by Chauvin, his senior officer. On cross-examination, Lane testified that he was not suggesting that Floyd should be on his side because he was worried about asphyxia but rather that "I just wanted to be able to get a better assessment."

Kueng testified that he did not realize Floyd had a "serious medical need" while he restrained him and that he did not recognize the restraint Chauvin was using and thus did not know whether it violated police policy. Thao, meanwhile, testified that he had relied on his fellow officers to tend to Floyd's medical needs while he dealt with onlookers and that he did not know something was seriously wrong with Floyd even as an ambulance took him away.

Last year, a jury convicted Chauvin on state murder and manslaughter charges. In December, he pleaded guilty to violating Floyd's civil rights and is awaiting sentencing in the federal case. He remains in prison on a 22 ½-year sentence for the state case, one of the longest imposed on a police officer for a killing in the line of duty.

Daniella Silva

Daniella Silva is a reporter for NBC New






CORRECTED.FINAL.AnnualReport.2022

Final Audit Report

2022-12-19

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By:	Danette Gonzales (dangonzales@bernco.gov)
Status:	Signed
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-  Signer tommyjewell@gmail.com entered name at signing as Tommy Jewell
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-  Document e-signed by Tommy Jewell (tommyjewell@gmail.com)
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